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THE CANADIAN NAVY AND IMPERIAL UNITY.

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There is something anomalous in the spectacle of the nations of the earth, great and small, making prodigious sacrifices in their zeal for military and naval armaments, while at the same time they are coöperating in a campaign to further the effectiveness of peaceful arbitration as a solution of international differences. In considering only the eight leading military powers, it is found that the vast total of nearly two billion dollars is spent annually by them for army and navy. The lesser powers are also spending more lavishly than ever before. Yet, notwithstanding the fact, as stated by Lord Rosebery, that never before has there been, in the history of the world, "so threatening and overpowering a preparation for war," monarchs and statesmen are perpetually indulging in platitudes on the blessings of peace. Arbitral tribunals are steadily gaining in prestige, peace societies are extending their influence, and public-spirited citizens, notable among whom is Mr. Carnegie, are endowing the cause of international peace.

Among the latest aspirants to naval prowess are the autonomous dominions of the British Empire. Their tardiness has been due in the first place to the implicit trust of the Colonial in the power of the British fleet to protect him from all external

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foes; and, in the second place, the inhabitant of Canada and Australasia has been too much engrossed in developing his virgin country to have a thought for naval matters. Of late, however, the over-seas dominions have experienced an awakening induced by the recent "naval crisis" in England. They are beginning to understand that the fate of the British Empire depends mainly on armored ships. They realize that the widely scattered parts of the Empire, aptly called "the unorganized maritime confederacy," are "linked together by one sea, since all seas are one." Tennyson's statement that "The fleet of England is her all in all" might appropriately be revised for, in truth, the fleet of England is the Empire's all in all.

The present naval activity of Canada and her sister dominions is the latest expression of that spirit of colonial nationalism which has come to be regarded as undoubtedly the strongest force in British colonial politics. The instinct of nationality has had an increasing influence upon the political evolution of the British Empire since the time of the confederation of the Canadian provinces, in 1867. The national idea is discernible in different stages of development in Canada, Australia, New Zealand, and South Africa depending on conditions which vary in each case. Strange as it may seem the dominions have adopted naval policies which for the most part are dissimilar. Notwithstanding the real alarm occasioned in the British Isles by the "German scare," and in spite of the naval taxes already burdening the British tax payer the mother-country cannot, at any rate does not, dictate to the colonies in this matter. The navy issue attests, in a significant manner, the genuineness of the self-government enjoyed by the autonomous states. Although still under the sovereignty of the Crown they possess practically all the rights of independent nations. Their freedom from compulsion is instanced by their differing naval programs. Early in 1909, as a result of Britain's alarm over her threatened naval supremacy, New Zealand's loyalty expressed itself in an offer, to the mother-country, of funds to cover in full the construction of a *Dreadnought*. In Australia, it was popularly urged, at first, that the Commonwealth duplicate the gift of

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New Zealand. Instead, provisions have been made for the establishment of an Australian squadron. The ships are to be built in Great Britain at the expense of the Commonwealth. Although the British government will contribute for some years towards the expense of construction, the fleet eventually will be under the control of the Australian government. South Africa, by reason of its recent unification, has as yet not departed from the policy of making voluntary cash contributions to Great Britain towards the support of the royal navy. This plan has been followed for some years by Cape Colony and Natal. The policy adopted by Canada is distinctively nationalistic. The proposed navy is to be built in Canada and manned amd wholly controlled by the Dominion.

Canada enjoys a degree of hegemony over the younger nations of the empire in all matters involving the imperial connection. Such leadership rests on more than the mere accident of national seniority. The more rapid development of Canadian nationalism has been the result, in large measure, of the proximity of the United States. This spirit of nationality has shown itself in the distinctly protectionist tariff policy of the Dominion and in stringent immigration regulations, under which even citizens of the British Isles are refused admission if failing to measure up to the required standard. Among the many expressions of such a spirit, however, none has been more striking than that illustrated by the attitude of the Dominion on the question of Empire defence. Canada has, at no time, contributed towards the support of the British navy, in which respect it occupies a unique position. On the other hand, the voluntary contributions of the other dominions were increased as a result of the Colonial Conference of 1902. The Commonwealth of Australia has been contributing $1,000,000 annually; the subsidy paid by New Zealand was enlarged in 1908 from $200,000 to $500,000; while Cape Colony and Natal grant annually $230,000 and $175,000 respectively. The Canadian Premier, Sir Wilfrid Laurier, stated at the Conference of 1902 that the Dominion government was "contemplating the establishment of a local naval force in the waters of Canada," but that

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it was "not able to make any offer of assistance analogous to those enumerated above." This unwillingness to offer cash subsidies in behalf of Empire defence has not been based on disloyalty nor on any other unworthy motive. On the contrary, Canada has adhered to the principle that a more real benefit is conferred on the Empire at large by the development of improved transportation facilities and by undertaking the full responsibility of her own defence than by the payment of a small annual contribution. Not only has Canada performed a service of inestimable benefit to Great Britain by the construction of transcontinental railway systems, making possible a rapid dispatch of British troops from ocean to ocean, but the Dominion, for some years, has garrisoned and supported Halifax and Esquimault.

The disinclination of Canada to make cash contributions can also be attributed to the spirit of nationality which, as already mentioned, is more highly developed in Canada than in any other of the dominions. The principle of colonial contributions runs counter to the creed of the nationalist who guards zealously his much-prized rights of self-government. No less an Imperialist, however, than Lord Milner himself stated, in the course of an address before the Canadian Club of Toronto in October, 1908, that the most satisfactory solution of the problem of imperial defence was for each of the individual states to develop its own defensive resources. He argued further that the payment of cash contributions towards the support of a central navy was a short sighted policy, and would form a poor substitute for real Imperial partnership. The Canadian and Australian would take infinitely less interest in Imperial defence if they simply contributed sums of money to be spent invisibly in Great Britain, instead of having navies of their own taking shape under their eyes, and manned by their own people. By developing separate navies the total naval strength of the Empire will be increased by the extension of the Empire shipbuilding resources. Since the time will come, without question, when Great Britain will see herself outstripped in population and resources by her dominions, it is appropriate that a Canadian

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naval policy be inaugurated without delay, humble though it may be. The direct contribution plan not only lessens the responsibility and interest of the Colonial in the question of Empire defence, but such a policy fails totally to build up in the dominions any defence resources of their own. It gives them no tangible returns for the contributions made. Admiral Lord Charles Beresford has concurred in the opinion as to the superiority of the separate navy plan. Without doubt Canada is as surely blazing the trail, which later will be followed by the younger dominions, in the matter of Imperial defence, as she did earlier with reference to the questions of confederation and preferential trade concessions to the mother-country.

The entire navy issue as existent in Canada today is based fundamentally on two root-ideas: 1. The Dominion is staunch in its determination to remain a member of the British Empire. 2. Canada is equally determined to retain, and possibly to increase, its autonomy as regards Great Britain. This seeming paradox is one of the monuments to British statesmanship. The British Empire is unique in the world's history in several respects, but in none more so than in the political status of the self-governing colonies of the Empire and in their attitude toward their parent state. In a word, the road of Canadian political development seems to be leading toward an independence accompanied by a voluntary continuance, by the Dominion, of a connection with Great Britain small though it may be. The ideal toward which present tendencies are pointing is a league of free states—Great Britain, Canada, Australia, New Zealand, and South Africa—which would be held together mainly by mutual advantages and partly by sentiment. Canada possessing nationhood and political equality with the United Kingdom, would coöperate in war and peace under agreed conditions as a member of the Empire partnership. "We are going to build the British Empire," declared Sir Wilfrid Laurier on July 25, 1910, in the course of an address in the Canadian West, "on the rock of local autonomy, and that local autonomy is consistent with Imperial unity." The same spirit of Canadianism blended with Empire loyalty marked the speech of

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Sir A. B. Aylesworth, the Dominion Minister of Justice, before the Canadian Club of Halifax on December 22, 1910. "I hope that in the future Canada will seek to be a leading partner," he said, "in the galaxy of nations that will surround and uphold the British throne."

That in brief represents the essence of the spirit of colonial nationalism. If one will bear it in mind the Canadian naval policy will appear intelligible and entirely reasonable. The government of Canada committed itself during the year 1910 to a definite program of naval defence. It is proposed to construct four cruisers of the *Bristol* type and six destroyers of the improved river class. According to the official estimate the cost of these ships if built in Canada will be at least one-third more than if constructed in the United Kingdom. Nevertheless, in conformity with the protectionist policy of the Dominion, they are to be built in Canada to stimulate the shipbuilding industry. As there are no shipyards at present in the Dominion capable of doing the work called for, British firms have been entitled to submit tenders, the Canadian government agreeing to subsidize their efforts to establish suitable shipbuilding plants in the country. The program also calls for the foundation in Halifax of a Royal Naval College, which will be formed along lines similar to the Military College at Kingston, Ontario. The government furthermore has secured, as training ships, from Great Britain the *Niobe* and the *Rainbow*. These vessels, the first installment of the naval policy, are now in service in Canadian waters. The government has stipulated that the Canadian navy may be "subject to the call of the British admiralty, provided always that within fifteen days the Dominion Parliament ratifies the call."

There is a common tendency in Canada to be contemptuous of small beginnings. Much can be said, however, for the Dominion policy of building ships, which, although inadequate for active service with the Mediterranean Fleet or Channel Squadron, will be entirely suitable to police Canadian trade-routes and fisheries. Canada is far from making her naval début in second-hand clothes as the Conservative organs seem

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to imply. The *Dreadnought* type of warship will unquestionably follow, in due course, the dozen vessels provided for in the 1910 program. Another prevalent criticism of the policy has been that it is anti-British and separatist in spirit. This opinion is untenable, however, in the light of Sir Wilfrid Laurier's career and speeches and in view of the advocacy of separate navies and armies by such men as Lord Milner and Lord Charles Beresford. In the Premier's own words, "If the time ever comes, and may God forbid it, that the old home is in danger, our hearts and brawn will be ranged at her side against any enemy, no matter whence that foeman hails."

The naval program advanced by the opposition party—the Conservatives—provided that a large direct contribution be placed by the Dominion Parliament at the disposal of the British authorities to enable them to construct two battleships or armored cruisers of the latest *Dreadnought* type. The cost of making the contribution called for by the leader of the Conservative party would be $25,000,000 or more. His proposal further provided that no permanent policy involving large future naval expenditures be entered upon until the same has been submitted to the Canadian people and has received their approval. The one effective argument in favor of the Conservative policy has been that it would place under the direct control of the British admiralty ships capable of taking their place in the line of battle. On the other hand, the "direct contribution plan" would take from the Canadian tax-payers $25,000,000 as an initial offering and remove it beyond the control of the Dominion. This would establish a precedent which conceivably might become a source of serious friction in the future. The principle of contributing directly toward the support of the British navy is furthermore contrary to the spirit of evolution of England's partner states, which Kipling has called the "new nations within the Empire." With reference to the proposal of the Conservatives to refer the naval issue to the electorate for decision, it may be said, that notwithstanding the theoretical wisdom of such action, it is unnecessary. In the first place, the Militia Act of Canada, which for half a cen-

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tury has made provision for the organization of a militia navy, gives authority to the Dominion to undertake the responsibility of naval defence. In the second place, there can be no longer any question as to the necessity of naval activity of some sort in the British dominions. The time-honored argument that the overwhelming supremacy of the British fleet renders it unnecessary for the colonies to take any active interest in naval affairs has lost its justification.

Such indifference to questions of defence may well be disturbed by recent developments. The British Colonial Secretary, Mr. Chamberlain, discussed the problem of Imperial defence with the colonial premiers assembled in London at the Colonial Conference in 1902. "The weary Titan," said Mr. Chamberlain, "staggers under the too vast orb of his fate. We (the United Kingdom) have borne the burden for many years. We think it time that our children should assist us to support it, and whenever you make the request to us, be very sure that we shall hasten gladly to call you to our councils." Somewhat more disquieting was a speech of the British Prime Minister (Mr. Asquith) in May, 1909, to the effect that the two-power standard for the navy did not cover any longer those foreign navies which were based upon ports a long distance from England. The British Liberal party has to a measure repudiated the responsibility for the naval defence of the Empire.

Doubtless few would question the seriousness of this defence problem as it exists in the British Empire. Canada's merchant marine, which is large and growing, has as its sole protection the British fleet. Australia and New Zealand, twelve thousand miles from the mother-country, and South Africa, distant half as far, would be entirely at the mercy of England's hypothetical combatants except for the British navy, which in case of a world struggle would be called upon to patrol the accessible and relatively undefended coast of the United Kingdom. "If a foreign fleet held the mouth of the Thames," declared a naval expert in the *National Review*, July, 1909, "for twenty-four hours, no matter what might happen afterwards," England would suffer a blow from which she "might never wholly recover."

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Lord Charles Beresford in an open letter, in September, 1910, to the prime minister on the navy question, stated that, "The position of affairs with regard to the naval defence of the Empire will three years hence be fraught with a danger whose gravity I believe it to be difficult to exaggerate." Hitherto the preponderating naval supremacy of Great Britain has guaranteed peace and security to the Empire. The last half decade, however, has effected a change in the state of affairs and the balance of power is about to be disturbed. The extensive naval programs of Germany, the United States, and other powers make obligatory greatly increased expenditures in Great Britain, if the two-power standard is even to be approximated. This necessitates a still heavier load being thrown on the already overburdened British taxpayer. The latter, furthermore, is facing an unequal competition in view of the fact that the populations of at least Germany and the United States, already much larger than that of the British Isles, are increasing rapidly. Accordingly it is evident that with the growing severity of such competition and the increasing need of protection in the Empire at large that Britain's dominions must share in some manner or other in the responsibility of Empire defence.

Although Sir Wilfrid Laurier's government succeeded in passing its naval bill, it was carried only in the face of strong opposition. Throughout the Dominion there exists, strange as it may seem, wide-spread popular indifference with respect to the naval issue. This apathy may be accounted for by the fact that Canadians "have lived so long in the vale of peace" that they regard war as foreign and barbaric "whose enormities are embalmed in history or hidden behind the haze of distance." The belief that Canada does not need a navy and cannot afford the luxury illustrates the popular attitude. It is also generally held that England does not need Canadian aid, although it is generously added that whenever Britain may need such help Canadians will gladly sacrifice men and money in her defence. This argument entirely overlooks the essential fact that a navy cannot be provided to order at the time of the crisis, but is the product of years of growth.

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An element of opposition much more serious than mere unenlightened indifference is that of the French Canadian population. Although absolutely loyal to Great Britain, which has assured to him unusual political and religious privileges since the Quebec Act of 1774, the French Canadian has no attachment whatsoever for the Empire. He desires a permanent bond with Great Britain, the guardian of his cherished rights, on the present basis but as might naturally be expected, he is resolutely opposed to all phases of Imperialism. In the words of the brilliant leader of the French Canadian Nationalist party, Henri Bourassa, "the French Canadian does not feel that he has any duty to perform to the Empire," although he is ready to shed his blood in defence of the British flag *on the North American Continent.* Therefore, all proposals to contribute directly to the British navy, or to coöperate in establishing an Imperial navy, in the control of which Canada would have her rightful share, are unequivocally denounced by the French Canadian Nationalist, as a base attempt to drag the Dominion into a policy of Imperial militarism. Mr. Bourassa and his associates have represented the ultimate meaning of the navy issue in Canada as conscription, the sacrifice of the youths of Quebec on foreign battlefields, and the end of French Canadian privileges. Indeed, it was this ingenious interpretation of the question which defeated Sir Wilfrid Laurier's candidate in the Drummond—Arthabaska by-election in November, 1910.

The French Nationalist of Quebec may be said to be between the devil and the deep sea in this matter of naval defence. On the one hand, he refuses his approval of any scheme which savors of Imperial defence, fearing that such might involve Canada in wars occasioned possibly by Japanese designs on Australia or German ambitions in South Africa, even though the very existence of England and the Empire might be at stake. On the other hand, assuming the collapse of the British Empire that portion of Canada which would most keenly feel the disaster is his own province of Quebec. Certainly no other part of the Dominion would lose so many of the privileges which go to make up much of the daily life of the people. With the break-

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up of the Empire, Canada would either become an independent but defenceless neighbor of the United States or it would be absorbed outright by the latter. In either case the French Canadian would find himself more under the influence of the Anglo-Saxon than he is at present, looking as he does today to Great Britain for his exceptional privileges guaranteed under the Quebec Act. In the event of American absorption of Canada, although the political aspirations and ideals of the English-speaking Canadian would be deeply wounded, he would continue nevertheless to live practically the same life as before. His religious position would not be affected, his children would attend the same schools as formerly, and his mother language would continue to be spoken in the courts and legislatures. On the other hand, the French Canadian of Quebec could hardly hope to retain under the American flag his exclusive French Catholic school system. His church would probably lose certain of the privileges at present enjoyed, and it is highly improbable that the French language would be officially recognized in Congressional debates. It is undoubtedly true that this phase of the question has not been presented to the rank and file of the French voters of Quebec. Of the two alternative evils facing the French Nationalists in this navy issue, either coöperating in the naval defence of the Empire of suffering the consequences of a possible break-up of the Empire, Mr. Bourassa and his lieutenants have chosen to risk the danger which appears the less imminent. Accordingly their influence is thrown against any scheme of Canadian participation in naval activity.

In view of this attitude of the French Canadian inhabitants, forming nearly one third of the population of the Dominion, the naval policy of the government is practically the only feasible one. Obviously a Canadian navy program is less objectionable to Quebec than either the cash contribution plan or the proposal to establish a true Imperial navy. Fortunately, too, the policy of a separate Canadian navy is also most in keeping with the principle of an unfettered and healthy development of Imperial relations. To be sure, from the purely British naval point of view, the doctrine of local defence contemplating separate

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colonial squadrons is short sighted. The ideal of the British admiralty would be one common fleet for the whole Empire under one controlling and representative authority, just as there is one fleet for all the autonomous states of the German Empire and one fleet for all the states of the American Union. The decision of the British colonies has been characterized as "a policy of pride and prejudice—pride in nationality rather than in Empire, the small unit instead of the big; and prejudice against any large-spirited concession by the small units, the nations, in order to strengthen the larger unit, the Empire, by the most effective and economical means."

Such reasoning, however, overlooks the most notable element in British Empire relations, an element which has brought about the most unique Imperial development in the world's history. This factor making for strength and growth was outlined by the British Prime Minister at the Colonial Conference of 1907. He declared that the "essence of the Imperial connection" is to be found in "the freedom and independence of the different governments which are a part of the British Empire." By conferring the gift of genuine self-government Britain has secured to herself the loyal devotion of her daughter states. The latter have experienced a worthy pride in their growing nationality, which at times has been interpreted by cynical foreigners as meaning a desire to break from the Empire and to attempt a complete independence. On the contrary, however, the development of colonial nationality has been accompanied by an increasing sentiment for Britain and the Empire. Lord Milner takes the stand that the development of a Canadian, an Australian, and a South African spirit and patriotism will enhance, rather than threaten, the unity of the Empire. He would base Imperial patriotism on a foundation of colonial patriotism. The strength of the attachment of the colonies for the mother-country has been strikingly illustrated in recent years. Canada in 1897 voluntarily extended to great Britain preferential tariff concessions. This policy, continued by the Dominion to the present time, has since been adopted by her sister states in their commercial relations with

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England. This is significant, in view of the mother-country's inability to render reciprocal trade advantages because of her tariff policy which is virtually of a free-trade nature. Canada's attitude with reference to the British preference was unequivocally defined by Sir Wilfrid Laurier, in his reply, in December, 1910, to the requests of the Canadian farmers for freer trade relations with the United States. "Whatever we may be able to accomplish," he declared, "with them (the United States), nothing we do shall in any way impair or affect the British preference. That remains a cardinal feature of our policy."

During the Boer War the colonies again spontaneously showed their loyal attachment to Britain. Canada, Australia, and New Zealand, of their own free will, raised and dispatched at their own expense several contingents of colonial soldiers to the scene of action. The latest evidence of the success of British statesmanship has been afforded by the recent unification of South Africa. Incredible as it may seem the Dutch and British of South Africa, who a decade ago were combatants in a destructive war, have united on the common basis of British citizenship in evolving a state which takes its place beside the older dominions. Who in 1899 could possibly have conceived of a Constitution to which would be appended side by side, the names of General Botha, Doctor Jameson (now a baronet), General Smuts, Sir Percy Fitzpatrick, and others who were leaders of the opposing forces during the Boer War? In a message to the *Cape Times*, May 31, 1910, General Botha expressed the hope that United South Africa would become "a peaceful, progressive portion of the Empire."

It would be distinctly reactionary therefore to lament the privilege possessed by the dominions of making their own independent decisions. Even assuming that naval efficiency may possibly be sacrificed, by the establishment of separate navies, such a loss would be more than counterbalanced by the increase of cordiality and loyalty within the Empire. An Empire which is to have any reality "cannot be maintained by pressure from the centre on the circumference," but must exist and flourish by the spontaneous desire of the component parts

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to remain in a definite relation to the parent state by accepting the implied obligations. In a recent speech, Sir Wilfrid Laurier declared, and rightly so, that the very basis on which the British empire rests, the basis upon which alone it could be maintained is the autonomy of all its component units. Therefore, notwithstanding the present feelings of loyalty with which the dominions regard Great Britain, care must be had not to trifle with the institution of self-government, that most cherished possession of the colonies. If the dominions are to remain indefinitely in the Empire it must be because none of them would have occasion to wish to leave it.

It is not implied in the above that the dominions ought to proceed to develop their naval and military resources wholly independently of Great Britain. Local effort and local patriotism ought to be guided to a considerable degree by the expert advice of the British admiralty. The colonial navies, although autonomous, should be trained in the spirit of England's historic service. The intelligent development by the dominions of their defence resources would allow the mother-country to concentrate more and more of her attention upon the desired continuance of the two-power standard.

The great problem of Imperial unity is the reconciliation of the spirit of nationality with the idea of a united Empire. The spirit of the Canadian government with reference to this question is well illustrated by an extract from the address of Hon. L. P. Brodeur, the Dominion Minister of Marine and Fisheries, when welcoming the officers and men of the *Niobe*, at Halifax, in October, 1910. "We must consider that our interests," said Mr. Brodeur, "are so interwoven with those of Great Britain that her supremacy on the sea and perpetual command of the great commerce of the world appeal to us and awaken a responsive echo in our country. If, then, we can assist even in a small way, but in proportion to our strength and resources, in the safe-guarding of her supremacy, it becomes our duty to do so. And in this establishment of a Canadian navy for the protection of our commerce and defence of our coasts we are displaying to the world our readiness to do our share in the upbuilding of the Empire."

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FRENCH COLONIAL EXPANSION IN WEST AFRICA, THE SUDAN, AND THE SAHARA.

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The conclusion of a definite treaty of diplomatic alliance between France and Morocco, in February, 1910, marks one of the last steps in a long series of moves to establish for France a vast colonial empire in the Dark Continent. Between the years 1830 and 1850, France acquired the whole of Algeria and Constantine. In 1881 she annexed Tunisia; and, in the ten years that followed, she participated with Germany, Great Britain and Italy, in the race for territory in Africa. But it is only within the past twenty years that she has successfully created a great colonial state there.

French colonial enterprise in Africa began in 1637, when Claude de Rochefort built fort St. Louis at the mouth of the Senegal river on the west coast and explored the interior for 100 miles. He was followed during the 18th and early 19th centuries by other intrepid explorers who made settlements at Millicourie on the Guinea coast and at Assinié and Grand Bassam on the Ivory Coast, and who penetrated further and further into the interior until the valiant Réné Caille, after marvelous adventures, reached Timbuktu, near the Upper Niger, in 1837. The French holdings on the Senegal were extended and consolidated into an effective base for future operations by the energetic General Faidherbe from 1854 to 1865, who added the Oulof country as far south as Cape Verde and the kingdom of Cayore, and built the harbor at Darkar. He was the first to recognize the possibilities of West Africa as a colonial center. "Our possession on the West Coast," he wrote to the Colonial Office, "is possibly the one of all our colonies that has before it the greatest future; and it deserves the whole sympathy and attention of the Empire."

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By the middle of the 19th century, other trade centers had been established at Libreville on the Gaboon river and at Porto Novo on the Dahomey coast; but it was not until the early 80's that the dream of a wonderful colonial empire stretching from the Mediterranean to the Congo was first conceived. It arose when the Senegal colonists had reached the Niger and De Brazza was exploring the Gaboon and Congo rivers. The French statesmen, studying eagerly the map of the continent, determined to push their pioneers and explorers east from the Upper Niger, and north from the Upper Congo until they met at Lake Chad, and then to join hands with them from Algeria across the Sahara desert.

In order to carry out successfully such a plan, it was necessary first of all for the French Republic to consolidate its holdings and establish itself firmly in West Africa and on the Congo. Under the able leadership of such men as Captain Galliené, Colonel Frey and Colonel Auchinard, their forces worked their way rapidly east and south, setting up a strong outpost at Bamako on the Niger, subduing the kingdoms of the Ahmadu and of Samori, making alliances and treaties with many different tribes, and finally joining hands with their little colony of French Guinea.

In September, 1887, Captain Binger left Bamako on what appeared to be a mad-cap attempt to reach the Ivory coast. Passing in the rear of the British colony of Sierra Leone he visited Bissandougu and Sikasso in the Samori country, pushed on south and east into the Gourounsi and Mossi districts where for a time he was thought to have lost his life, made treaties with the chiefs of Kong and Bandoukou, and reached Assinié finally in the spring of 1889. A distance of 4,000 kilometres had been traversed and the French possessions of Senegal and the Ivory Coast definitely united. Between 1890 and 1895 Captains Quiquandon and Destanave completed the union of the two districts by establishing the French supremacy from Tiola to the Bobos country and by making treaties with the chiefs of the Gourounsi and Mossi countries. In December of the year 1890 M. Monteil left the eastern border of Senegal and crossed the

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whole of Central Sudan via Kano to Lake Tchad and returned to Europe by way of Tripolis which he reached on December 10th, 1892. He had traveled 5,000 miles and explored a path by which France might reach the lake.

Meanwhile Colonels Frey and Auchinard were taking over for France the whole of the great district between the Senegal and the Upper Niger, as far north as Nioro and Lieutenants Caron Jaime and Davoust explored the Niger northward from Bamako to Kourioumé.[1] Jenne was permanently occupied in 1893 and the gallant Colonel Bonnier took Timbuktu in 1894. In this latter year over in Dahomey which had been created a French colony in 1893 through the campaigns of General Dodds against the King of Behensin, Captian Toutee was starting on the famous journey from Porto Novo to Badjibo on the Niger, from which point he ascended the Niger, past Boussa and Say to Tibi-Farca (opposite Zinder). On November 8th, 1895, Lieutenant Hourst left Timbuktu in an aluminum boat, brought from France in sections and specially constructed for running the cataracts; and, carefully surveying the river as he proceeded, he made his way to Zinder, Say and Boussa. After remarkable adventures he reached the northern outposts of the British Royal Niger Company, by whose agents he was escorted to the coast; and he finally found himself knocking at the doors of the French consulate at Porto Novo on November 1st, 1896. Thus accurate knowledge of the Upper Niger was obtained for the first time by the French and a definite connection established between their Senegal-Niger lands and the colony of Dahomey.

To make sure of this connection, the French had already begun active operations in the Dahomey "hinterland." In 1893–94 Captain Decoeur founded Carnotville and pushed northeast to the Borgu country, while Lieutenant Baud made treaties with the chiefs of Gambarri and Gourma and pushed North to Say. But the Royal Niger Company had been trading for some years in this region. Under the energetic leadership of Sir George T. Goldie, this company, organized as the United National African Company in 1870 and, chartered by Great

[1] Port for Timbuktu.

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Britain as the Royal Niger Company in 1886, had negotiated over 300 treaties with native chieftains by 1894 and placed nearly 500,000 square miles of Nigeria, as far north as Gando and Sokoto, under British protection. A military government was established. An efficient constabulary was organized from the Hausa tribes. The headquarters moved north to Lokoja in 1889; and a treaty made with France in 1890 fixed the boundary roughly between the British and French spheres of influence by a line drawn from Say on the Niger due east to Lake Tchad. But the western boundary of Nigeria—the Lagos-Dahomey hinterland—remained undermined.

The officials of the company were busy consolidating their holdings and developing the trade of the region, when the news of the arrival of Captain Decoeur in the vicinity of West Nigeria reached them. Captain Lugard who had distinguished himself in East Africa by saving Uganda for Great Britain, was ordered to the Nigeria frontier. By forced marches he reached Borgu, Nikki, Kishi and Gambaga and made treaties with the chiefs there, while Captain Wallace was renewing the alliances with the kings of Sokoto and Gando in July, before Captain Decoeur's appearance on the scene in October. Thus in the initial moves of the contest, the Niger company scored first.

Still the French pioneers were not discouraged. They held with great determination to their plan of securing a hold on the lower Niger as an outlet for the trade of upper Dahomey, and of establishing a thorough connection between Dahomey and their Senegal-Niger possessions. The next year—1895–96—we find Captain Toutee quietly making his way through the "debatable lands" as far as Boussa, signing treaties wherever possible; and Lieutenants Voulet and Chanoine securing protectorates over Mossi, Gourounsi, and the Bobos. The British Foreign Office notified the French government as early as January, 1895, of its treaties with the rulers of this district, and complained of these incursions of the Senegal officials. A diplomatic correspondence ensued concerning the limits of the French and British spheres of influence in West Africa, which lasted for

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nearly three years and which, though pressed with considerable firmness and heat at times, was conducted with the utmost courtesy and conciliation on both sides.

Before the questions at issue could be satisfactorily adjusted, however, the situation was complicated by events in Nigeria. In February, 1897, the French troops entered Borgu and crossed to Nikki and Boussa on the Niger. Late in 1896 a rebellion had broken out in Nubé and Ilorin; and Major Arnold and Sir George T. Goldie were busily engaged, during January and February, 1897, in overthrowing the insurgent forces and restoring peace and order in the district, when the news of the French approach reached them. They hastened North to Nikki and soon found themselves face to face with the determined French officials who refused to withdraw without orders from Paris. Serious trouble seemed imminent and the wires between Europe and Africa were kept busy for days. The troops conducted themselves well. The officers held the situation well in hand. The two foreign departments acted promptly with a calmness and conciliation admirable in such a time of public excitement; and a settlement was finally reached in June, 1898, the military forces of both powers evacuating simultaneously between the 15th and 17th the lands in their possession on the Middle Niger.

This agreement of 1898 (June 14th) was the first of a series of treaties between Great Britain and France, that were destined to break down the old barriers of hatred, distrust, and personal ambition engendered by three centuries of almost uninterrupted rivalry, and to establish a thorough understanding and a practical coöperation in all matters of importance effecting Africa and Asia. In 1889–90 Great Britain and Germany had adjusted satisfactorily and amicably a great controversy in East Africa without recourse to force and in spite of the violent diatribes and opposition of the imperialist leaders in both countries. And now France and England, declining an appeal to arms, reached a similar agreement in West Africa. This conciliatory policy and willingness to make reasonable concessions and adjustments, when great issues and problems effecting the future of a whole continent were at stake, is a striking example

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of the new spirit which has played a dominant part in European diplomacy in recent years. It is a long step toward the establishment of a genuine world peace and the creation of an international comity and competition of the right sort.

By 1880 Great Britain and France had been convinced by the increasing border difficulties that some understanding must be reached, with regard to boundaries at least, concerning their respective spheres of influence in West Africa. The frontier of all the west coast colonies was open and undetermined at the rear, exact geographical knowledge of the region was lacking, and no attempt had been made to deliminate accurately or completely the lines of division between the settlements. No scientific surveys of the "hinterland" had been made anywhere; and conflicting claims and over-lapping jurisdictions were everywhere in evidence. In the agreements of 28th June, 1882, 10th August, 1889, and 26th of June, 1891, the boundaries between the British colonies of Gambia, Sierra Leone, Gold Coast and Lagos, and the adjoining French possessions were carefully outlined. Gambia was to comprise 10 kilometres on both sides of the river and to extend as far into the interior as Yarbatenda. Sierra Leone was to end at 10 degrees north latitude, Gold Coast and Lagos at the 9th degree and Dahomey and Lagos to be separated by a line from the intersection of the meridian of the Ajarra creek and the coast to the 9th degree. Joint delimination commissions were to be appointed to survey and mark out these lines accurately; and some general agreements were reached concerning freedom of trade on the rivers and in the interior, and the amount of custom duties to be levied. But the western limits of the British Lagos-Nigeria protectorate were left indefinite north of the 9th degree north latitude; and various other vital matters were not seriously considered.

On March 30th, 1892, Lord Salisbury wrote to the Marquis of Dufferin, then British minister at Paris, calling attention to the history of the relations of France and England in West Africa and the unsatisfactory status of affairs there then, and urging him to secure the coöperation of the French, if possible, in completing the boundaries and in arriving at a complete

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understanding on the whole matter. The question was constantly in the minds of both foreign offices and the pressure to have it adjusted increased steadily, until an agreement was signed on January 15th, 1896, to appoint a commission of four to determine by an examination of the titles and claims the most equitable delimination of the French and British possessions on the Lower Niger.

The first session of the delegates lasted from February 8th to May 22d, 1896, but was discontinued because no definite agreement concerning the general line of partition seemed possible. But the consistant conciliatory policy of M. G. Hanotaux and Lord Salisbury triumphed and the negotiations were resumed again on October 24th, 1897. Réné Lecomte, first secretary of the foreign office, and M. Louis Binger, director of African affairs in the ministery for the colonies, ably represented France; while Martin Gosselin, secretary of the British Embassy and Colonel William Everett supported the British interests, as skillfully as Edwin Egerton and Sir Joseph Crowe had done in the earlier treaties. The results of their negotiations were summoned up in two "Notes" presented by England and France respectively on February 18th and 24th and embodied in the convention of 14th of June, 1898, referred to above as settling the Nikki-Boussa dispute.

In this treaty the northern boundary of the British Gold Coast colony was pushed up from the 9th degree to the 11th degree north latitude, the "debatable" Bergu-Boussa district was practically divided between France and Great Britain, and the French claims to the "Septentrionale et orientale" shores of Lake Tchad were confirmed. France did not get Boussa and as much of a hold on the Lower Niger, as she aspired to; but a hundred miles of cataracts between her "claims" and the navagable part of the Lower Niger reconciled her to this concession. As a compensation she was permitted to rent a piece of land for trading purposes, either on the Lower Niger opposite the chief trading center of northern Dahomey or at the mouth of the Niger. Nor did Great Britain secure all the territory to which she laid claim in the Say-Borgu country;

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but she was more than compensated by her gains on the Gold Coast frontier and in the advantages incident to the settlement of the whole question of the boundary lines between the French and British spheres of influence in West Africa. Thus the first state of French expansion was complete. Her colonial possessions reached from the Atlantic, via the Senegal and the Niger rivers, to Lake Tchad; and with this vast tract she had safely and securely joined her enlarged southern colonies of Guinea, Ivory Coast and Dahomey.

Meanwhile before the details of the agreement were worked out, an incident occurred in the eastern Sudan, which threatened for a time to undo the good work of the commissioners and diplomats in western Africa, but which ended finally in an amicable delimination of the French and British spheres of influence in the eastern Sudan and Sahara.

This incident is intimately connected with the attempt of the the French to unite their Congo possessions with their Niger-Sudan territories and is best understood when studied in the light of these operations. Savorgnan de Brazza, who for ten years—1875–1885—was the inspirer and energetic promoter of French expansion on the Gaboon and Congo rivers and who was only prevented from crossing the Congo by the earlier arrival there of Henry M. Stanley and the subsequent activities of the Congo Free State corporation, was the originator of this design. He performed a remarkable work exploring the whole region between the Gaboon and Upper Congo and penetrating far to the east and north. His third journey, known officially as "la Mission de L'Ouest Africain," 1881–1885, accomplished a particularly splendid piece of exploring and surveying for some 4,000 kilometres from Franceville on the Upper Ogoone river northwards towards Lake Tchad. Between 1888–91, Paul Crampel tried to establish a connection between this Congo colony and Lake Tchad. He traveled without European companions or interpreters and experienced astounding adventures. For three years he was singularly successful, reaching the Baguirmi country and El-Kouti in safety, but unfortunately lost his life on the territory of the chief of the Senoussi who was

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severely punished by the French under M. Dybowsky in October, 1891. Lieutenant Mizon attempted to make the connection in the reverse order, by going up the Niger and Benue rivers to Yola and making his way south to the French Congo. He got as far as the Adamaoua country in 1892; but the complaints of the British and German governments who had claims in this region prevented him from accomplishing anything of importance in this way. However, Casimir Maistre succeeded in the next year (1893) in mounting northwards from the Congo and Oubingui to the basin of the Gribingui river, to Adamaoua and returning via Yola and the Niger. In the same year the last portion of the Nigeria-Cameroon frontier was worked out by Germany and England to Lake Tchad, so that England received Yola and Adamaoua went to Germany. The French objected vigorously to this partition and refused to recognize the treaty until her claim to Baguirmi and access to Lake Tchad from the south was recognized in the German-French treaty of 15th of March, 1894. The southern boundary of the French Congo was definitely determined by a delimination treaty with the Congo Free State on August 14th, 1894; and finally after M. Closel had founded Carnot and made his way north via the rivers Lobay and Bali to the Ouahm branch of the Bahr-Sara, a tributary to Lake Tchad in 1894–95, the whole Cameroon-Congo frontier was satisfactorily adjusted in a treaty with Germany in February 1896.

The northeastern portion of the French Congo, bordering on the Bahr-el-Ghazal district of the Egyptian Sudan remained still unexplored and lacking in definite frontiers. The Egyptian Sudan from Khartoum south had been lost to Egypt since the Mahdi insurrection and the death of Gordon in 1884–85. The rule of the Khaliphate had steadily declined after the death of the Mahdi-Mohammed Ahmed in June, 1885, until the government of the whole region was honeycombed with corruption and the extent of the atrocities committed by the leaders horrified the civilized world. M. Liotard, who had become commissioner general of the Upper Congo, determined to round out the northeast frontier of his colony; and, at the same time, by taking ad-

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vantage of the situation in the Sudan he hoped to add a large portion of Bahr-el-Ghazal to the French possessions and provide an outlet by way of the Nile for the trade of the northern Congo region. The establishment of a definite connection between the French protectorates in the Sudan and Upper Congo with Abyssinia and the Frenchcol ony of Obeck was even contemplated

Accordingly, on June 25th, 1896, he sent out Major Marchand with a small company of eight officers and one hundred and twenty men, who explored the Ubangi district and traversed the Bahr-el-Ghazal country successfully. He reached the Nile ultimately, equipped a small flotilla and pushed north to Fashoda, where he raised the French flag and took possession of the territory on the left bank on July 10th, 1898. He repulsed an attack of the Dervishes in August; but his position—so far from any reliable source of supplies—was extremely precarious.

Meanwhile Sir Herbert Kitchener was reconquering the Sudan for Egypt. In 1896 he defeated the Dervishes and occupied the province of Dongola. He constructed a railway and advanced steadily southward the next year. On September 2d, 1898, he inflicted a decisive defeat on the chief Dervish army at Omdurman and two days later entered Khartoum in triumph. Without stopping to rest, he pushed on down the Nile with his army of 23,000 men, until he had captured on September 15th the great camp of the Dervishes at Renkh—300 miles south of the capital of the Sudan. Here he learned of the presence of Marchand at Fashoda, through Said Sogheir, the captured leader of Dervishes; and he continued his advance the same day. When within 12 miles of Fashoda, Kitchener received on the 19th inst. a letter from the French commander notifying him of the French occupation of Bahr-el-Ghazal and the Shillouks country from the confluence of the Bhar-el-Jebel along the left bank of the White Nile to Fashoda. He reached the latter place the same day, hoisted the Egyptian flag on the old Egyptian fort, 500 metres from the French flag, and protested vigorously against Marchand's invasion of the Khedive's lands. Demanding immediate withdrawal, Kitchener asserted that

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England would never tolerate the occupation of any part of the Nile valley by a foreign power.

Marchand replied that he was unable to oppose the raising of the Egyptian flag, but that he was acting under the orders of the French Government and could not leave until ordered to do so officially. Kitchener left a garrison at Fashoda and proceeded south as far as Sobat reclaiming the country for the Khedive of Egypt; but he returned soon after, informing Marchand that the whole country was under martial law and the transport of munitions of war was forbidden, yet offering to furnish a boat and escort to accompany him down the river to Cairo.

Meanwhile the news of the encounter at Fashoda was heralded over the two continents, great excitement prevailed in Paris and London, and a lively correspondence ensued between the foreign offices of both countries. A discussion of the British rights in Bahr-el-Ghazal, started by statement of Sir E. Grey in a speech before the Chamber of Commerce on March 28th, 1895, to the effect that England's sphere of influence based on the rights of the Khedive embraced the whole of the Nile valley, had been carried on for some time by M. Hanotaux and Lord Kimberly. It was now taken up vigorously by M. Delcassé and Lord Salisbury. The French claimed that they had never concurred in the British claim to all of the Nile valley; that England could not claim lands never effectively occupied by her; that only Egypt could rightfully assert any ownership over the Upper Nile; and that the successful revolt of the Sudan separated that country distinctly from the Egyptian possessions and gave any nation the right to participate in the reconquest and partition of it. They asserted, moreover, that Major Marchand was not in charge of a "Mission" sent out by the French government to seize the Upper Nile district, but an "Envoye de la civilization" sent out by M. Liotard to assist in putting an end to the frightful disturbances and misrule of the Dervishes. They were pleased with the successes of Lord Kitchener and very desirous of avoiding any serious difficulty with England; but they would not enter upon negotiations until

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they had received Marchand's official report, and then only on a basis of an equitable division of Bahr-el-Ghazal.

The British consistantly and firmly refused to discuss the matter seriously until Marchand should be recalled from the Upper Nile. They asserted that Kitchener's conquest of the Sudan revived all the earlier titles of Egypt to the control of the Sudan and the Upper Nile; that England was only assisting the Khedive to reclaim these lands which, she had steadily maintained, had been in his possession since the early days of the 19th century; that "effective occupation" was a vague and ill-defined term that could not be applied in Central Africa as it is used in Europe; and that, while the powers declined to recognize Turkey's claim to Tunis in 1856 out of courtesy to France, nothing was said at that time, or in 1878, as to the integrity of lands in the equatorial regions acquired after 1856. Salisbury was ready to join with France in the delimination of the western frontiers of the Egyptian Sudan, and assured the French statesmen that the withdrawal of Marchand would in no way compromise their claims; but he declined to consider any division of the Bahr-el-Ghazal district.

While this discussion was in progress, the British forwarded a message from M. Delcassé to Major Marchand, asking for his report; and in October one of his officers through the courtesy and assistance of the British officials made his way to Paris via Cairo. In November Marchand received instructions to withdraw from Fashoda by way of the Sobat river and Abyssinia. In due time he reached French Somaliland in safety and arrived in Paris towards the end of May, 1899, where he was welcomed with a great ovation. But the fate of the Upper Nile had already been definitely determined in an agreement signed by Salisbury and Paul Cambon on the 21st of March.

The whole frontier between the French possessions in Central Africa and the British-Egyptian spheres of influence on the Nile and in the Sudan was carefully worked out in this treaty. Bahr-el-Ghazal and the old province of Dar-Fur were retained for Egypt; and the kingdom of the Ouadai (Wadai) with the two valuable oases of Tibesti and Borkou went to France.

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By this arrangement France rounded out her Sahara possessions south of Tripoli, joined them securely with the Lake Tchad lands, and these again with the Upper Congo. And thus a definite and permanent connection was established between all the French spheres of influence in Western, Central and South-Central Africa.

But already a movement was on foot to unite politically and scientifically these separate French territories, by means of three special and thoroughly equipped expeditions. The first, known as the "Mission Gentil" after its leader, left Loango in the French Congo on July 27th, 1895, and proceeding via the Congo, Oubangui and Kemo rivers, and the Baguirmi and Rabah kingdoms, reached the southern end of Lake Tchad on November 1st, 1897. Here it remained over two years establishing firmly the French suzerainty over the entire district between the Lake and the Rabat kingdom. The "Voulet-Chanoine Mission," changed later to the "Joalland-Meynier Mission" because of the insubordination of its two leaders, left northern Dahomey in February, 1897, crossed northern Nigeria taking Zinder en route in July, 1898, where the gallant Captain Cazemajou had been slain in the previous April, and reached the western shore of Lake Tchad in October, 1899. The third, "Mission Foureau-Lamy," set out from Biskra in 1898 and crossed the Sahara desert by way of Temassinin, Tassili, In-Azaoua, Tadjenout, Äir, and Aguellal, making treaties with the desert chieftains en route. They arrived in the neighborhood of the Lake early in 1900. The three missions, after the satisfactory conclusion of their individual tasks, achieved triumphantly a union of their forces at Mandjafa on April 11, 1900.

Meanwhile the French protectorates in the Sudan and on the Guinea and Ivory Coasts were being effectively joined. On November 3d, 1896, the French occupied Timbo by force; and during 1896–99 Doctor McLaud and Captain Salesses explored thoroughly a large part of French Guinea and its hinterland with a view to railroad construction, as well as to political control. And Dr. Noël Ballay, who was governor of the colony from 1891 to 1902, established an excellent seaport at Konakry,

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paid great attention to the trade and internal development of the province, and made strenous efforts to construct a railway and roads that should open a direct connection between his colony and the Upper Niger.

During the years 1895–98, Captains Pobéguin, Marchand, Blondiaux, and Clozel explored all the hinterland district of the Ivory Coast, covering the country between Beyla and Tenindieri and penetrating into Indenie. Finally Colonel Audeou occupied Sikasso on May 1st, 1898; and Captains Gouraud and Gaden subdued and captured Samory—the Napoleon of the Sudan—who was transported to the Congo where he died on June 2nd, 1900. The subjection of Sudan was now complete; and in 1899 the mission of Governor Hostains and Lieutenant D'Ollone explored and surveyed the country from Bereby via Cavally to Beyla, where they joined hands with the mission of Lieutenants Woelfel and Mangin, which had come from Kong in the northwestern part of the Ivory Coast colony by way of Touba. Thus effective connection between the three protectorates—the Sudan, Guinea and Ivory Coast—was established.

The union of the French colonial possessions was now practically accomplished; yet five things remained to be done before this union could be said to be permanent and complete. These were: the complete pacification of the Upper Congo, the subjugation of Mauretania making direct connection between the Senegal and Algeria possible, the extention of the French control over the Algerian hinterland and the central Sahara, the inclusion of Morocco within the French sphere of influence, and the establishment of proper means of communication and transport between the various parts of this colonial empire. The first of these was speedily accomplished during the years 1899–1901 through the capture of Dikoa and the subjugation of the kingdom of Rabah by Commander Almy and Captain Dangeville with the combined forces of the three missions.

Several attempts were made to penetrate the Western Sahara, notably by M. Soleillet in 1880, Camille Douls in 1887 and Fabert in 1889–93; but a successful connection of these territories with the other French protectorates was not accomplished until

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Paul Blanchet reached Atar, the capital of Adrar (T-Marr), in 1900. On June 27th, 1900, the Sebkha d'Idjil was added in a delimination treaty with Spain. In the two years that followed, the French power was firmly established in the northern portion; and in 1903 the districts of Trarza and Brakna, just north of Senegal, were added. Finally the whole region was formed into the Territory of Mauretania including five circles—Tratza, Barkna, Gorgol, Guidimaka, and Tekna—and governed by a commissioner.

During the years 1859–61 Henri Duveyrier executed a series of remarkable explorations covering nearly the whole of southern Algeria and the desert immediately south, and penetrating as far into the central Sahara as Ghadames, Ghat and Zouila. Then came a number of unsuccessful attempts during the years 1873–89 to establish a direct connection between southern Algeria and the Upper Niger via the oases of central Sahara. Of these the "Mission Choisy" penetrated 1,200 kilometres south from Laghouat and the ill-starred "Mission Flatters," going by way of Biskra, in 1879–80 passed beyond Ouargla, only to be massacred in the heart of the Sahara by the Touaregs. Two natives survived and after incredible experiences wandered into Biskra with the terrible news. In 1886 Lieutenant Palet lost his life in a similar expedition; and in 1889 the gifted explorer, Camille Douls, perished.

The real work of southern expansion in the central Sahara was begun by Fernand Foureau, probably the greatest of the Sahara travelers, who explored carefully a number of routes across the desert between the years 1890–94, acquired an intimate knowledge of the leading oases and their inhabitants, and extended his researches as far as In-Salah and Äir. He was the first to recognize the strategical importance of the great oases of In-Salah and Tidikelt as a key to the control of the Sahara; and upon his advice the French decided to use force against the Touaregs, as the only method likely to give them control of the desert and to furnish security for life and property. "There is a constant succession of pillaging forays," he wrote. "The consequence is, that the Sahara is in a constant state

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of turmoil and insecurity; murders, theft, pillage, and ambushes are of everyday occurrence. It is quite certain that this state of things must stop all intercourse and commerce, as well as all hope of exploring the country."

Accordingly the forward movement of the French forces began. At that time, 1890, the outposts were El Oued, Touggurt, Ouargla, Ghardaia and Ain-Sefra. El Golea and Hassi Inifel were now occupied and fortified; and between 1892 and 1895 the line was pushed forward 100 to 150 miles. A series of forts connecting the French outposts were erected and the railway extended from Ain-Sefra to Duveyier. In 1898 Foureau with Commandant Lamy set out on the great mission which was to bring him to Lake Tchad and to a junction with the Missions from Dahomey and the Congo in 1900. The "Mission Flamaud," two columns proceeding southeast from the Sud-Oranais and occupying the oases of Igli, Gourara, Aougerout, and Timminoun, joined the third coming southwest from Algeria successfully in securing control over the oases of Tidikelt and In-Salah in May, 1900. General Servière occupied Adghar in Touat during August of the same year; and by 1901 he had completed the subjection of the whole region of the central oases. On July 20th of that year the Convention of Figuig was signed with Morocco, which confirmed these holdings to France, awarded Figuig to Morocco and provided for a joint coöperation in the policing of the Morocco-Oranais frontier. Thus the French protection over the central Sahara and a direct connection with the Sudan via the desert were practically complete.

An amicable division of the West and Central African lands having been successfully effected and her own territories having been effectively occupied and organized, France now turned her attention to securing the recognition by European powers of her position in Northern Africa as well as in the Sudan and the Sahara. Already for years she had been weaving a net-work of influences both within and without Morocco,[2] which should ultimately bring that country permanently under her influence.

[2] See Yale Law Journal, May, 1910, "European Intervention in Morocco," by N. D. Harris.

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This was an essential step in her African expansion policy and vitally necessary, if her long and patient labors in the Sahara and Mauretania were to amount to anything. Morocco was the key-stone of the arch and without it her colonial fabric in Africa was likely to fall to pieces at the moment of completion. In the Franco-British treaty of 1904, Great Britain recognized France's paramount interest in Morocco and agreed to allow her a free hand there, as long as the integrity of the kingdom was maintained, her position in Egypt to be reciprocally recognized by France. In October of the same year a similar agreement with Spain was signed. In the famous Conference of Algeciras, called in 1906 through the diplomatic interference and insistence of Germany who felt that she had not been sufficiently consulted in the settlement of North African affairs, the peculiar rights of France and Spain were again confirmed and to them was assigned the duty of policing, and of reforming the finances, of the country. Spain, France and England signed an agreement in 1907 to preserve the "status quo" in Northern Africa, implying an effective coöperation to achieve the ends in view; and Germany ultimately withdrew her opposition to French control in Morocco in February 1909. Finally, in February, 1910, France, after a prolonged occupation of portions of the Sultan's territory and an extended diplomatic controversy conducted with skill and firmness, secured the consent of the Moroccan government to her supremacy, protection, and right of interference in that country.

In this treaty the French government agreed to furnish the Maghzen with sufficient funds to enable it to pay its debts and place its affairs on a stable basis. These included: $1,000,000 a year to organize and equip an efficient army (under French officers) that would enable the Sultan to maintain peace and security throughout his domains; $3,000,000 to liquidate the debts to foreign powers contracted previous to June 30, 1909; and $8,600,000 for public improvements such as harbor works, railways, government buildings, and other things necessary to establish an effective administration and to develop the trade and natural resources of the country. With exceptional gen-

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erosity, the French offered to waive their own claims to an indemnity ($520,000 a year for 75 years) for the expenses of the French occupation of Shawia and Oudida, until the Moroccan ruler had paid off these loans.

Before the movement to carry out these wise stipulations was well under way, difficulties arose again between the various chieftains and the Sultan's government, owing to the tyranny and avarice of the prime minister. On January 14, 1911, Lieutenant Marchand and several comrades were slain by the Zaer tribesmen, near Rabat, and soon several tribes were in open revolt. The movement spread. A brother of Mulai Hafid was proclaimed as a rival Sultan; and in a few weeks a great portion of the country was in arms. The warring factions converged on the capital, defeated the Sultan's forces, and finally besieged him in Fez. On May 21 last the French relieving column reached the beleaguered sovereign; and now they are engaged in restoring peace and security to the land. The result is that Mulai Hafid is more dependent upon and under greater obligations to the French than before. The corrupt grand vizier has been forced from office; and the French government is in a better and stronger position for carrying out the proposed reforms and procuring an efficient administration for Morocco.

Thus a magnificent colonial empire was won for France. The lion's share of West Africa, the western Sudan and the Sahara together with a large portion of the Congo region, have passed under her control. To these Morocco, Algeria and Tunis are now joined so that her protection extends over an area equal to that of the United States including Alaska. From the earlier experience of France in Algeria and the East, it was inferred that the efforts of the Republic to establish a successful administration in these regions, would more than likely end in failure. But the world was happily disappointed. The twenty-five years of progressive and enlightened government just passed have demonstrated that the French deserve a place in the front rank of the world's greatest colonizers. Here we note again the evidence of the new spirit of progressive and triumphant democ-

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racy which came to life with the new Republic in 1871 and which rejuvenated the French nation, awakened the ambition of her leaders, saved the old stagnant colonies and gave her a new colonial empire.

The work of unification and development has progressed steadily and intelligently. In 1895 the whole of French West Africa was brought under one government which was still further systematized in 1904. A governor-general responsible to the cabinet in Paris, rules the entire district. Under him are lieutenant-governors who administer the colonies of Senegal, Upper Senegal and Nigeria, French Guinea, Ivory Coast and Dahomey. In addition there are commissioners superintending the five circles of Mauretania, that portion of the west Sahara reaching from the Morocco-Algerian to the Senegal-Niger frontier. The area thus administered amounts to more than 2,300,000 square miles and has a population of about 9,000,000.

By the use of native troops and methods—particularly the employment of camels in patrolling the desert,—the French have succeeded in establishing a high degree of order and security. In the colonies of Senegal and the Upper Senegal and Nigeria excellent roads have been built between the important centers and railways run from Dakar to St. Louis and from Keyes on the Senegal to Koulikaro (near Bamako) on the Niger—altogether about 512 miles. So it is now possible to travel by rail and steamer from Europe to Timbuktu. Dakar, connected by surmarine cable with Brest, is fast becoming one of the finest harbors on the African coast. A remarkable system of telegraph lines has been established, extending from Dakar as far as Zinder and Say on the Niger, and connecting with the Ivory Coast and with Porto Novo on the Dahomey coast. In 1908 France spent over $3,200,000 for the defense and development of this region. A uniform system of education was introduced in 1903, the present annual expense of which amounts to about $250,000 to $300,000. Some 10,000 children are regularly enrolled, of whom 3,000 are girls.

Protection and increased transportation facilities effected immediately the economic condition of the region; and rapid

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strides have been made in the development of natural resources and in the increase of wealth. In 1906 the total trade of French West Africa reached $18,000,000, of which the French enjoyed about $11,000,000.

Before the development of this section of the continent had been placed upon a firm and progressive basis, the French had already established a successful administration in Northern Africa. There she controls an area nearly twice her own size, with a population of 7,400,000.

Some grave mistakes were made at first in Algeria; but in Tunis, the conciliatory and friendly spirit of the officials won, almost at once, the confidence and support of the natives. During the past twenty-five years the administration of both countries has been remarkably successful. Thousands of miles of splendid roads have been constructed with the unsurpassed skill of the French engineers. A net-work of railroads and telegraphs has been built from Tlemcem and Duveyier (five miles from Figuig) on the Moroccan frontier, to Biskra in the desert, and to Gafsa and Gabes in the Tunesian hinterland. Millions of francs have been expended upon public improvements; and, although the French have kept the direction of military and civil service with the best results, the Tirailleur regiments of Northern African, with their red tarbushes and white uniforms, are devoted to their French officers and have proved the finest of fighting material. There has been no flaunting of the tricolor; but everywhere the local religion, customs and language have been respected. Justice has been impartially and effectively administered through a system of mixed tribunals and native courts. And the combined commerce of the two countries has risen from $95,000,000 in 1896 to $160,000,000 in 1906, of which France enjoys $112,000,000.

Southern Algeria, bordering upon an uncertain desert and a turbulent Morocco, has been the source of considerable trouble. But in 1905, it was effectively organized into the four territories of Ain Sefra, Ghardaia, Touggart, and the Sahara Oases. Direct communication has been established between the Oases and Algeria on the one hand, and the colony of Upper Senegal and

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Niger on the other. And the entire region is thoroughly policed by the assistance of friendly native tribes and the "Meharis," the camel police. In 1905, Prof. E. F. Gautier of the College of Arts in Algiers crossed the desert from Figuig to Gao on the Niger—a distance of thirteen hundred miles,—unattended except by a guide and a servant. He was surveying the path of the new telegraph line which is being constructed to connect Algeria with the Senegal-Niger country. It is now proposed to establish wireless stations at the chief centers. Thus the great Sahara has been conquered and French North, West and Central Africa permanently united. There remains only the Eastern Sahara, the Bornu-Wadai regions. These are under military rule; and France and England are actively engaged at this very time in making secure the Wadai-Dafur boundary.

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CENTRAL UTILITIES COMMISSIONS AND HOME RULE.

A Paper before the Madison Literary Society, May 9, 1910.[1]

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The term "public utilities" embraces all properties devoted to a use in which the public has an interest. As currently employed in this country today, it includes water, light, heat, power, and telephone plants; urban, suburban and interurban electric railways; steam railways; the telegraph, express companies and several minor organizations connected with transportation. In a narrower and more local use of the term, its scope is restricted to water, light, heat, power and local telephone utilities, and urban and suburban electric railways.

Central utilities commissions are administrative bodies appointed or elected for the purpose of carrying out legislative acts with reference to public utilities. In the widest sense of the term a central commission is a federal or national commission, of which the Interstate Commerce Commission is the best-known representative. Central Commissions, in the narrower sense of the term, are illustrated by state utilities and railroad commissions. Like many other terms central and local have relative meanings with shifting and overlapping circumferences. With respect to water, light, heat, power and in many respects

[1] After the undersigned had heard the above paper read at a meeting of the Madison Literary Society, he immediately requested Professor Meyer to allow it to be published on account of its great value to a wider circle of readers. Mr. Meyer was not immediately willing to submit the paper, but he has now finally consented to have it published. It is important not only on account of its inherent excellence, but as indicating the views of a man most prominently identified with the development of public policy concerning railways in this country.—Paul S. Reinsch.

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telephone utilities, the state commission is the most centralized form of commission which can be seriously considered; while for long distance telephone and telegraph utilities and interstate railways and power companies, groups of states and the nation may well be made the territorial unit for administrative control. The town meeting, the village or city council, the county board are well-known types of local organs of control.

The term "home rule" appears to have originated in this country in connection with the movement to free cities from the alleged grasp of state legislatures, usually many miles away, and supposed to understand little of the needs of municipalities. Its aim is to reserve the widest possible field for the untrammeled activity of the local authorities. Home rule is thus the antithesis of central control, and about it have rallied alike those who would make our cities in their relation to the state, in their relation to the United States, independent republics, as well as those who desire widely differing but lesser degrees of autonomy in the exercise of municipal functions.

State commissions are nearly as old as our country itself. The first statute creating a state railway commission was enacted in 1836. The *idea* of home rule is possibly of equal age, although the application of the specific phrase "home rule" to the idea is less than twenty years old. The Massachusetts State Gas Commission was created in 1885, and the control of local utilities by state commissions is only in its third year in operation in the states of New York and Wisconsin. Maryland has just passed a utilities law. A number of other states are considering bills creating such commissions, and in the province of Quebec a utilities commission has recently been put into operation.

Before the adoption of the constitutional amendment of 1892 it was the established rule in the state of Wisconsin to secure special legislation for each particular city. City charters enacted prior to that date were special laws. Amendments to charters were likewise secured by special legislative enactments. The constitutional amendment of 1892, by prohibiting charter and other legislation for cities by special act, ushered in the

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era of general legislation for our municipalities. It is well understood that special laws of this character apply only to the particular city for which the law was enacted, while general laws relating to municipalities apply to all the cities within the state or to all the cities of the class to which the statute is made to apply. Legislative acts relating to municipalities, in effect at the present time, other than the special acts passed before 1892, have been consolidated in the general charter law of Wisconsin. This code appears to embrace all the functions of a city. Any amendment to the code which may be desired by any particular city becomes also an amendment to the charter of every other city of the class to which the applicant city belongs. There are four classes of cities in Wisconsin, the first embracing cities of 150,000 or over, the second including those with a population of 40,000 and less than 150,000, the third with a population of 10,000 and less than 40,000 and the fourth with a population of less than 10,000. These classes, however, are not recognized in the utilities law. All the provisions of this law apply to the utilities in all the cities of the state, irrespective of their size.

To a certain extent there exists an inherent antagonism between the two principles of home rule and central control both with respect to the relation of city to state and state to nation. This potential, if not active, conflict has been observable in the relation of some of the state railway commissions to the Interstate Commerce Commission, and in the attitude of state legislatures toward congressional acts. In the legislative debates preceding the adoption of the public utilities laws in New York and Wisconsin, considerable opposition developed on the ground that the proposed legislation was a departure from wholesome Jeffersonian democracy and an invasion of the rights of the municipalities. This same feeling has come to light in the attitude since expressed by some of the cities towards central control. During the twenty-five years of the existence of a central utilities commission in Massachusetts the cry of home rule has occasionally been raised, but it has never succeeded in making appreciable headway.

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There can be no doubt regarding the existence of a movement, strongly progressive, towards the establishment of central utilities commissions in many parts of the country, as well as of a similar movement favorable towards the expansion of the power of the federal commission and other federal authorities.

The establishment of central utilities commissions is partly a corollary of the movement of much earlier origin in favor of the establishment of state railway commissions. If experience shows that commissions with supervisory powers over railways have, on the whole, been of benefit in their attempts to influence the management of railways, why should not similar commissions be equally beneficial in influencing the management of local utilities? This was but a logical question and the answer was inevitable.

Another important source of activity in favor of central commissions is the reaction emanating from the relative or absolute failure of cities to perform such functions as they are fully empowered to exercise with respect to utilities, and, in other cases, from the inability of cities to accomplish anything at all in the way of insuring to the public reasonably adequate service at reasonable rates.

Every student of municipal life understands the close relation which has generally existed between municipal politics and the utilities located within the municipality. Here were original franchises to be secured, or existing ones to be amended, or expiring ones to be extended, and in the course of the proceedings relating thereto, bargaining was the order of the day. In this lay one of the greatest sources of corruption. Personal connections, influence, money, everything was resorted to in order to achieve the end. If a city council unfavorable to certain desires of the utility was in office today, what was more natural than to make far-sighted plans gradually to bring about a change in the composition of the council, in order that the desired program might be executed at the proper time in the future? The general rule was that if the council of today will not do it, then some time in the future a council will be secured that will do it.

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The local politician found in the utilities the most useful vehicle upon which to ride into office. It might be only a street lamp, the extension of a gas or water main, a little tail-twisting about some rate, but small as it might be, it was large enough for a campaign of the self-styled people's champion. The establishment of central commissions takes away from these petty local leaders one of their most efficient weapons and most popular conveyances. The ostensible cry may be the invasion of "home rule," but in reality it is frequently only the wail of the local politician who can no longer rest comfortably on the backs of utilities in order to accomplish his selfish if not corrupt desires. The central commission has taken the utilities out of politics. This is extremely objectionable to many a proclaimer of the public good.

Even a casual survey of the results of home rule with reference to the business of local utilities generally shows alternate periods of warfare and peace between the utilities and local authorities. This warfare has not always been righteous nor the peace honorable. It has been essentially a conflict of brute force, frequently conducted by mercenaries ready to barter away with equal facility the rights of the honest investor or the just claims of the public. Scarcely ever have these many years of home rule produced information sufficient for an honest and intelligent man to arrive at a judgment with respect to either rates or service. An occasional court record does provide such information, but that is not always to be credited to the local authorities. Nearly always these contentions deal with the question of rates. The equally important question of service is scarcely ever touched upon. It is the rate, expressed in dollars and cents, which can be used most effectively to demonstrate the efficiency or inefficiency of the local political leader. In one city the bargain with the council might result in very low rates to the municipality and correspondingly high rates to private consumers. In another it might result in high rates to the municipality and correspondingly low rates to the private consumer. But what of that? In either case the paint-box statesman may stand with his thumbs back of his vest and proclaim from the

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depths of his heart his devotion to the public good expressed in dollars and cents. To the uninformed and undiscriminating part of the public, the pride he takes in low consumers' rates, in low hydrant rentals or low priced street lamps in the one case is as effective as in the other. What is it to him that private consumers pay excessive prices for water as a result of his bargaining in the city council which has shifted the burden from the tax-payer to the private consumer by an excessive reduction of hydrant rentals? Or what cares he that tax-payers, many of whom may not be water takers, pay excessive hydrant rentals in order that his friends may have cheap water in their homes? Either position makes an issue for him on election day. Furnishing light to the city whether gas or electricity lends itself to the same kind of treatment and the bribe of a free telephone is not to be despised.

In other cases, with the knowledge and acquiescence of the local authorities, the grossest discriminations have been practiced upon the patrons of utility plants. In the same city there may be two competitors engaged in identical industrial enterprises, both using electric power, for instance, but the one paying three times as much as the other for exactly the same service. Different private consumers may be paying rates varying hundreds of per cent. Some consumers may pay nothing even for what others pay several dollars per month. An indefinite number of illustrations of this kind could be adduced. In other words, local control of public utilities has resulted in honeycombing the service throughout the country with unjust discriminations in comparison with which the railway discriminations of the past, in the height of their existence, lose some of their notoriety.

In many municipalities the flat rate system has been allowed to grow up in water, gas and electric service, which in practically all cases in itself involves widely different rates of pay of the same service under substantially similar conditions. In other communities, no minimum charge whatever is exacted. A single illustration will bring out the injustice of such a system. A large establishment requiring thousands of lights may be

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assumed. For regular use, gas is employed or a private plant operated. When the gas fails or the private plant breaks down, instantly these thousands of electric lights are turned on. To be ready to furnish this light, the electric company must invest additional hundreds if not thousands of dollars. Without proper minimum charge, the burden of this extra investment for break down or emergency use must be borne by the regular consumers. The small consumer who demands emergency service presents the same problem, only the resulting inequalities are correspondingly less. It may appear plausibly just to maintain that if a consumer does not actually use gas or electricity or water or the telephone, he should not be compelled to pay] anything whatsoever during such period. Every connection with the utility plant requires an investment, which ordinarily is entitled to a reasonable return, and unless all those who get the benefit of the investment contribute their fair share, others will be obliged to contribute too much. Who could expect the Madison Literary Society to pay no higher rental per hour for sherbet glasses demanded eight or nine times a year than the patron pays who uses them every day in the year? The society would expect to pay something to the proprietor for holding himself in readiness to furnish the glasses on demand.

One of the inherent tendencies of Central Commission control is the establishment of standards of service and the application of uniform principles of rate-making. Fifty years and more of local control have accomplished practically nothing along these lines. A few of the larger cities in the country have been reasonably successful in a limited field, but aside from these attempts and experiments nothing tangible has come out of the experience of the past which can be used as a basis for the future. Uniformity in the principles of rates and service is one of the advantages of central control.

On the other hand, there is an undoubted advantage in permitting individual plants or localities to exercise the greatest degree of freedom in making experiments in the general field of utilities. A single city, under far sighted and aggressive leadership, may accomplish something which later all the cities in

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the state may be glad to adopt, or be forced to adopt through a legislative enactment; and a single state, under similar conditions, may take what appears to be a radical step which the future will demonstrate to have been epoch making and from which every state in the Union will later derive inestimable benefits. A city may thus become the leader for a state and a state may point the way for the nation. In this sense, local freedom and initiative on the part of the city and state may become one of the greatest fulcrums of progress; while central control, when forced into channels too rigid, may check progress and produce stagnation.

Reverting to the character of service of utilities a few additional remarks will make this hitherto neglected subject a little clearer. It does not require expert knowledge to realize that 1000 feet of gas is not always equal to 1000 feet of other gas in either heating or illuminating power. As a matter of fact, the heating power of gas varies from about 200 units to about 1000 units per thousand feet for different plants in operation in the state of Wisconsin today. By employing a relatively simple instrument containing a definite quantity of water and applying a certain amount of gas to this quantity of water, the heating power is expressed by the ratio of the initial to the final temperature of this water. It is well known that gas is more generally used at the present time for cooking than for illuminating purposes and it, therefore, follows that a heating or calorific standard is more applicable and significant than a candle power standard. The gas utilities operating in Wisconsin are the first in the United States to be subjected to a calorific standard.

Popularly the quality of gas with respect to heating and candle power or even in regard to impurities is expressed in terms of pressure. People speak of poor gas and good gas meaning generally by poor gas, gas which is lacking in pressure. It, therefore, requires a standard of pressure as well as a standard of heating and lighting and purity in order to insure thoroughly good service. Ingenious mechanical devices have been invented and practically applied which automatically record the pressure

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of gas and by limiting the variation in gas pressure to a certain established zone it is possible to insure good service at all times. Where an examination of the service reveals serious defects with regard to any of these tests of good service the necessary changes in the central plant or in the pipes and appliances through which the gas is distributed must be made. Numerous automatic records of different kinds tell the story of the evolution of the gas service.

Tests analogous to those described in connection with gas service are applicable to electric service. Electricians call that which corresponds to pressure in gas service voltage in electric service. The variations in the electric current or voltage can likewise be automatically recorded by means of a gauge. This record may show for every hour in the day the exact voltage of the current passing over the wires through the recording instrument on the consumer's premises. When the curve thus produced is fairly smooth, even pressure exists. When there are abrupt advances and drops inequality in voltage exists. When the variations between the high and low voltage exceed a certain number of volts there is danger of injuring the filaments in the lamps, diminishing their illuminating power and decreasing their period of life. By means of careful firing of boilers and intelligent and prudent operation of all parts of the central plant and a proper installation of wires and devices throughout the distribution system it is possible to limit the variations in voltage to a certain zone within which no injury can be done to the lamps and good illuminating results achieved. The zigzag character of the recording chart is merely a symptom of disease which exists somewhere and which can be diagnosed very readily by a competent engineer. Many plants are apparently constructed and operated without competent engineering advice and in such cases good service is frequently difficult to secure. This is attested by the action of the genius who was operating a plant in one of the smaller communities in the state and who had somehow heard of increasing resistance with increasing distance and who consciously set out to meet

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this situation by increasing the diameter of his wires as the distance from the central station increased.

Nor are personal visual impressions of the electric service at all reliable unless such impressions are the result of systematic observations on the part of men thoroughly qualified. This is illustrated in the case of the mayor of one of our larger cities. This very excellent and public-spirited gentleman advised the Commission that the electric service over some of the circuits in his city was unbearable, and suggested that thorough tests be made in order that the necessary changes in the construction and operation of the plant might be made. In that particular case direct and alternating currents were serving the consumers in the part of the city in which the mayor resides. Although he said the service at his house had been intolerably poor months at a time some time past, it was very good at the time of the inspection and he did not wish to make any complaint whatsoever with respect to the service in his own home. He made it perfectly clear that he was entirely satisfied. However, he felt it his duty to inform the Commission of the inferior service rendered to some of his neighbors and was anxious to have the tests made. In order to secure an adequate test of service the Commission instructed its inspectors to secure automatic readings not only in the houses of some of the neighbors but also in the mayor's house with the result that the charts showed most beautiful curves in the case of the neighbors, indicating excellent service, and very irregular zig-zag lines in the case of the mayor's house, indicating decidedly inferior service. The subjective impressions of the mayor to the effect that the service was entirely good was sufficient to overcome the objective physical impressions which the fluctuating voltage must have made on his eyes, but which his inner sight would not let him perceive.

In the telephone service the most important single test is the time it takes to secure a response from the central operator. In two of the largest exchanges in this state the average time required was 3.33 seconds while in one of the other, but also largest, exchanges it took nearly seven seconds. The average

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for the twelve best exchanges showed a response from central in less than five seconds for 85% of the calls. In another exchange where the first test showed the relatively slow service of six seconds, within a few months and after notice of the results of the first test the average was brought down to four seconds.

All of these tests are secretly made without previous notice to any one connected with the respective plants. By prosecuting the work systematically, month by month and year by year, it is but natural that a steady pressure should be exerted towards improvement in the gas, electric, water, telephone and other services. A quiet revolution has been and is taking place in all classes and branches of the service. In this respect uniformity is practicable and desirable.

Another field in which practical uniformity may be rigidly enforced with profit to all is accounting. Some of the larger local utilities have had in effect for years past systems of accounts which may fairly be regarded as models of their kind, but there are hundreds of others, chiefly the smaller ones, which have not heretofore known what bookkeeping and accounting means and have not kept such a record as is reasonably necessary for an intelligent insight into the business whether for the investor or for a patron of the company. The operations of many plants are not definitely known to any one and it seems extraordinary that it should become necessary in any instance to compel so-called business men to observe business methods. With respect to municipal plants the situation is, generally speaking, if anything, worse than in the case of private plants. Many of them keep no accounts worthy of the name and funds are transferred from one account to another without sufficient reason and in no place are the records of the different departments brought together in such a way as to show the actual result of operation. The alleged results as shown in annual and other reports are frequently misleading and sometimes positively incorrect, showing a deficit where there may be some gain and showing gains where there were losses.

Many valid objections may be raised against imposing undue restrictions upon the action of local authorities but against

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uniform accounts there can be none. It is sometimes said that the localities do not always know what to do and perhaps do not recognize what is best for them. It is also true that the spirit of democracy is ever averse to the tendency of control from above. The well-known saying, attributed to Jefferson, that 'A fool can put his coat on better than a wise man can do it for him,' may apply here, although in the case of matters relating to utilities it is more often a question of making them wear a coat at all.

The Wisconsin Public Utilities Law reserves to the cities extensive powers. The law expressly gives every municipal council the power to determine by contract, ordinance or otherwise the quality and character of every kind of product or service to be furnished or rendered by any public utility; to prescribe the terms and conditions upon which a public utility may occupy streets, highways or other public property within the municipality; to require a public utility to make additions and extensions to its physical plant and to designate the location and nature of the same and to prescribe the time within which they must be completed. It is true that all of these activities are subject to review by the Commission; nevertheless the municipalities have the express power to perform these important functions in the first instance. None of the cities in this state manifested a disposition to exercise these functions after the enactment of the utilities law to any greater extent than they had exercised them before its enactment. On the contrary, the cities showed a very decided tendency to take their troubles immediately and directly to the Commission. Again and again the Commission has had occasion to suggest to municipal authorities that certain things regarding which they were complaining lay entirely within their own jurisdiction and the remedy in their own hands. In other cases the municipalities have gone to the Commission with a request that it take the entire situation in hand and order whatever might appear to be right. In thus coming to the Commission, the cities were strictly within their rights and these events are adverted to here simply to show that as conditions are today there appears to be a decided ten-

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dency to take all questions relating to rates and services of public utilities directly to the Commission and not to attempt to dispose of them locally through the municipal authorities. There may be much reason for this. To deal satisfactorily and intelligently with the most of these questions requires extensive investigative work. A large amount of information must be collected, compiled and properly interpreted. Relatively few, if any, cities in this state have the facilities to accomplish such things. Under these circumstances it was but natural and right that they should have gone directly to the central administrative body. The prosecution of detailed inquiries with reference to all the features of utility enterprises and placing the results of such inquiries at the disposition of all the utilities in the state is one of the advantages of central commission work. It prevents duplication and assists the smaller cities and utilities in a manner otherwise impossible.

A multiplicity of methods for institutions which are substantially alike is one of the characteristics of local control. One municipality pursues one policy and another may pursue a different one. As has already been pointed out, in this freedom of initiative and variety of action lies a power which may be made the herald of progress. But in it also lies that element of uncertainty in the conditions of operation and continuity of existence which the investment world so keenly realizes. The greatest single element of uncertainty is perhaps the inevitable connection between utilities and the Common Council, and among these elements of uncertainty arising out of the affiliation of municipal politics and utilities none is greater and more potent than competition.

It should be too late in the day to discourse upon the limitations and general disadvantages of competition in the utilities business. Nevertheless there are so many ideas current with reference to the alleged benefits of competition in this class of enterprises that one cannot forego alluding to the matter in a few brief sentences.

There are few things which the industrial history of advanced nations proves more conclusively than that competition in the

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field of public utilities has failed to insure reasonably adequate service at reasonable rates. The public has had occasion to learn this lesson many times and on a large scale. Napoleon is credited with having said that 'Repetition is the only serious figure of rhetoric.' Certainly we have had enough repetition of disasters to the public as well as to investors to lift this subject out of the field of controversy, but somehow these lessons must not have been on a sufficiently large and overwhelming scale, for the fetish of competition is still being worshiped and the cry of competition is still raised by many as the touchstone capable of dissolving every obscure entanglement which strained relations between the utilities and the public sometimes create.

The city of La Crosse in our own state furnishes a most valuable object lesson. The La Crosse Gas Company was incorporated by the state in 1856. It was reorganized as the La Crosse Gas Light Company in 1863. The La Crosse Brush Electric Light and Power Co. was organized in October, 1881. The Edison Light & Power Co. was organized in February, 1887. These three companies were operated independently until 1897, at which time the three managements were consolidated in one office although the respective companies retained their individual corporate existence. About four years later, in November, 1901, the La Crosse Gas and Electric Co. acquired the property of the three previously mentioned companies. During the same year the city council granted a franchise to a new company called the Central Electric Co., and in 1904 still another company, the Wisconsin Light & Power Company, was organized. Warfare among them continued until the spring of 1907 when they were consolidated into the present La Crosse Gas & Electric Co. Meanwhile hundreds of thousands of dollars were unnecessarily invested in a succession of plants which when consolidated lacked that physical unity which a first-class public service plant requires. The widest possible variations in rates for the same service were introduced by the same as well as by the rival companies with a result that gross discriminations of all kinds prevailed in every branch of the service. These thousands of unjust discriminations, the unnecessary hundreds of thousands

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of dollars invested in the individual plants, the lack of a physical plant constructed on principles of unity and efficiency, years of warfare and strife with the permanent wounds and scars which consolidation peace cannot eradicate are the price which the good people of La Crosse have paid for their faith in competition and which they will continue to pay until they have amortized the capital wasted. In the light of illustrations of this kind of which La Crosse by no means furnishes the only example, unrestricted local control or home rule becomes a matter of the gravest doubt.

The Wisconsin Public Utilities Law is a repudiation of the fallacy of competition as a guarantor of good service at reasonable rates and is planted squarely upon the idea of monopoly in the utility business except in the case of telephones. Give a utility plant a definite field and compel it to do its proper work reasonably well within that field: this is one of the basal ideas in the law. By giving utility companies the opportunity to surrender their franchises the law extends to them this monopoly privilege for an indefinite period in the future and puts them upon their good behavior subject only to the right of the municipality to acquire the property of the utilities located within its borders at a reasonable price. Believers in the indeterminate franchise idea may have been somewhat surprised and disappointed in the fewness of the plants that actually took advantage of the provision of the law to surrender their franchises. Under the original law 50 utilities surrendered and under the amendment enacted by the legislature of 1909, 12 more, making 62 in all. Exclusive of the 569 telephone companies operating in Wisconsin there are 54 gas, 223 electric, 150 water and 18 heating utilities. This shows that only 14% of all the public utilities in the state other than telephone utilities and not counting the 27 electric and 49 steam railways not affected by the statute, have actually surrendered their franchises. Perhaps the most important single deterrent influence is found in the provisions of the trust deed bonds which practically prohibit officers of utility corporations to take this step. Whether these corporations would as a matter of fact have sur-

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rendered their respective franchises if these prohibitions had not been incorporated in the trust deeds is a matter of conjecture.

If the so-called Commission system of government of cities should continue to spread and the larger cities of the state should adopt this form of government it is probable that a change in the present attitude of municipalities towards controversial questions connected with utilities may develop. When the affairs of our cities are administered by men selected by the electorate at large, and only men of ability and integrity in whom the public has confidence are put in charge and these affairs are conducted in a businesslike manner, there is no reason why many of the things which at the present time are referred to central commissions should not be done by the local Commission. Undoubtedly the exercise of many of these functions by the local Commission will give greater satisfaction to the inhabitants of the respective cities for the reason that they will feel that their own immediate representatives and not others far away are making the decisions. In all of the smaller cities it will probably never become practicable to have the local authorities exercise full control over the utilities. In such cases the initial work will still have to be done by the Central Commission while for the larger cities the Central Commission will naturally act as a Board of Appeals as it now does in the case of local ordinances the reasonableness of which is challenged. The systematic work of central commissions will thus become the foundation of a new type of city administration and by paving the way for this transition in the method of conducting our municipal affairs it will be directly instrumental in making home rule, also as a new type, more successful than has ever been possible before.

Turning now to the idea of home rule as applied to state control of interstate utilities in its relation to Federal control, it may be well to remember that the doctrine of states rights has never been confined to some one section of the United States. Our historians have amply demonstrated that the idea of state sovereignty has been in circulation in all parts of the country during the entire period of our national existence. Within the

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last five years, states separated from one another as far as Washington and Florida, Maine and Texas and California have manifested objections to the exercise of regulatory functions by the federal government within their respective domains on the ground that the exercise of such functions was an invasion of the inherent rights of the states. When it is proposed to adopt one uniform classification of freight for the entire country the voice of many a state is at once raised on the ground that each state should reserve the right to make such classification in any manner it sees fit. When it is proposed to promulgate uniform rules governing the free time for loading and unloading cars, many states protest that this is something entirely and exclusively within their jurisdiction and that the federal government should have nothing to do with it. When it is proposed to have the federal government investigate accidents and pursue a more vigorous policy with respect to the promotion of safety in connection with the operation of our railways, many of the states look upon the suggestion as an invitation to surrender their sovereign powers.

Now, the United States is a nation. This nation is a commercial unit and not an aggregate of units. The great interstate railways, telegraphs and telephones are national in scope and character. There cannot well be forty and five masters for these great instrumentalities of commerce, each master pursuing his own ideas or traditions and each administering its specific type of treatment. Any one at all familiar with the relation of states to interstate railways knows the many complications which arise in the attempt to limit investigations or action to state lines. The information which is necessary in order to act intelligently with respect to the business of one of these carriers in a single state is generally equally adequate for similar action applicable to all the states within which the railway lies. In fact, one of the greatest factors of uncertainty in all questions relating to state and interstate business emanates from the attempt to segregate state and interstate business and to take action with reference to one or the other exclusively. If every interstate carrier could be treated as a unit, state lines ignored

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and questions arising out of rates and service dealt with as single issues affecting the relation of such carriers as entities to the people in the territory in question without regard to state lines, a much simpler and generally also much more satisfactory and just result could be arrived at. While there may be danger in delegating so much power to a central federal authority, if this federal authority is properly articulated with local and intermediate authorities there is no reason why the interests of each state should not be subserved as well by a system like this, so far as purely local matters are concerned, and infinitely better so far as all other matters are concerned. It should be relatively immaterial whether the administrative authority is appointed directly by the authorities of the state or by the federal government provided that the work which such authorities are appointed to do is properly done. A well articulated system of local, intermediate and central commissions could readily maintain close relations with the people of the various states and understand their interests and necessities as well as any local Commission possibly can and at the same time work in much closer harmony with those authorities which have to do with areas greater than the states than is now possible.

It appears to be a universal tendency on the part of officials of all kinds to exercise all the powers that are clearly given to them and by ingenious construction of the statutes and otherwise to extend those powers to the farthest possible limits. It is, therefore, but human that the average state commissioner should watch with jealous eye what he considers encroachments of his domains by federal authority; and that the average city official should fear that his prerogatives may be curtailed by the coming in of Central State Commissions. But after all, are there rights which are inherent in the city officials or in the state officials or federal officials except as these rights have been directly and explicitly conferred by the constitution and the laws? When local authorities protest against alleged invasions of their proper domain it may be well to point out that they have no such preëmpted domain, that the only power which the officials of the city can exercise is the power which has been

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expressly delegated to them by the legislature. The power which a state administrative body can exercise is likewise limited by the same authority, the legislature. Similarly in regard to the relation of state to federal commissions, discussion along these lines is interminable and quite futile, for the question is not whether or not some official sanctity has been encroached upon or some assumed authority curtailed, but what work is there to do and who is best qualified to do that work. The work, so far as it comes in question here, is the work of supervising or regulating utilities of all kinds from the small local gas and water plants to the great interstate carriers. As things are today, considering both the condition of these different industries and the character and condition of our various administrations—city, state and federal—the conclusion is compelling that State Central Commissions must continue the exercise of their functions with respect to the local utilities for some time to come and that the powers and jurisdiction of the Federal Commission must be enlarged to meet the situation created by the immensely expanded systems of interstate carriers. It is always hazardous to prophesy but a careful analysis of the present situation, both locally and nationally, strongly suggests an expansion of the power and jurisdiction of the federal authority and a continuation of the movement towards State Central Commissions until the government of our cities has been changed so as to insure the proper performance of this work by the city authorities. When this time comes the State Central body may be expected to continue primarily as an appellate authority for the cities which have adopted the new form of governmentand as an authority of original jurisdiction for all the other municipalities within the state.

Every intelligent observer realizes that the problems presented by our utilities taken collectively are of the greatest magnitude. The almost infinite number of points of contact and relationship between the utilities and their patrons gives rise to a great series of problems which no single mind nor combination of minds has thus far been able to solve to the satisfaction of all. Excepting Utopianists there is no one who thinks he is capable

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of solving them. The kaleidoscopic number and variety of interests, oftentimes conflicting, require the coöperation of all agencies and the continued and most careful application of all sound principles in the most varied combinations in order to effect a correct and equitable adjustment. The questions of home rule and of central control, as such, are of little moment. The one, the great and controlling question, as suggested before, is, what is the work to be done and in view of all the circumstances and conditions prevailing at a particular time what agencies are best adapted to do this work? Repudiate home rule, if it must be repudiated in order to accomplish that work. Abolish central commissions, if they must be abolished in order to achieve better results through other agencies. Do the work and stand back of the agency best adapted to do it.

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THE WORKING OF THE STATE-WIDE REFERENDUM IN ILLINOIS.

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The Illinois constitution of 1870 contains several specific provisions for state-wide referenda. In addition to a popular vote on all proposed changes in the fundamental law,[1] a referendum is required on the question of disposing of Illinois and Michigan Canal lands,[2] on incurring state indebtedness above a certain sum,[3] on acts or amendments thereto creating banking corporations,[4] and on additional appropriations for the state house.[5] The Public Opinion law of 1901 enlarged the field of the referendum by providing for the submission of questions of public policy, the result to be considered merely as an expression of public sentiment. This law and the constitutional provisions mentioned above constitute the sum total of all sources for referenda affecting the entire state.

The constitutions of 1818 and 1848 provided for even fewer opportunities for a popular vote on public measures. The earlier of these documents contained only one section relating to a referendum of any sort, and it dealt with the question of calling a constitutional convention. The second constitution enlarged the total number of possible questions so as to include two others. The first of these made all amendments proposed by two successive legislatures subject to popular ratification,

[1] The question of calling a constitutional convention must be submitted. Likewise all alterations made by such conventions, as well as all amendments proposed by the legislature. Const. of Ill. Art. 14, sections 1 and 2.

[2] Ibid. Separate section.

[3] Ibid. Art. 4, sec. 18. The constitutional limitation on indebtedness (without a referendum) is $250,000.

[4] Ibid. Art. 11, sec. 5.

[5] Ibid. Art. 4, sec. 33. By additional appropriations is meant all above $3,500,000.

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while an additional clause was inserted providing for a referendum on all acts of the legislature creating banking corporations. The latter is the only provision for a state wide referendum in Illinois on statutory law that can be found prior to 1870.

The conditions governing the submission and adoption of state-wide measures should be noted at the outset. All questions of this nature for which a referendum is provided must be submitted at general elections, except the work of constitutional conventions which may be submitted at special elections if that body so orders. Since measures submitted under the Public Policy act are designed merely to secure expressions of public opinion they are not dependent upon any definite majority for success. Acts concerning banking corporations require for adoption simply a majority vote on the proposition. All other measures, whether constitutional or statutory in nature, must receive a majority of the total vote at the election. The effect which this requirement has had upon the success of measures will be discussed at length on succeeding pages.

Since Illinois was admitted into the Union in 1818 no less than fifty-two separate propositions have been referred to the people for consideration. Of this number all but fifteen have been subsequent to 1870, when the present constitution was adopted. Every general election since 1877 has, with one exception, witnessed the submission of one or more measures for popular decision. Furthermore the referendum has been used at least once in every instance where provision has been made for it.[6] Three constitutions have been submitted. That of 1848 was accompanied by two sections requiring separate consideration. Five separate sections were submitted with the constitution of 1862, and eight with that of 1870. The convention clause of the first constitution was called into operation three times. The period from 1848 to 1870 witnessed three referenda in addition to the submission of the constitution of

[6] The question of a bond issue submitted in 1908 although technically an amendment to the separate section of the constitution relating to the canal was likewise in fact incurring indebtedness beyond the constitutional limit.

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1862. Two of these were upon questions of calling conventions, and the third was upon the banking law of 1851.

Since 1870 ten constitutional amendments have been voted upon. In addition the state house appropriation clause has been referred three times, acts amending the banking laws four times, and the Illinois and Michigan Canal clause twice. To these may be added the nine questions of public policy submitted since 1901.

It will be noted that prior to 1870 all propositions, with the exception of the banking law of 1851, were constitutional in nature. Since then questions involving statutory law or measures submitted under the public policy act have outnumbered those involving changes in the constitution itself. In fact the period of referendum on statutory law may be said to date from the adoption of the present constitution.

This brief summary is perhaps sufficient to indicate the extent to which the referendum provisions have been used. Closely related to the question of frequency of submission of measures is that as to the interest shown by the electorate in propositions referred to them for consideration. This element of popular interest is of the utmost importance because upon the extent of its presence depends, in the last analysis, the success of the referendum as a means of obtaining an expression of the popular will. While its importance is thus great the difficulty of determining its character and extent is even greater.

By comparing the total vote cast on a proposition with the total number of electors eligible to vote thereon, or with the total vote for candidates for office at the same election, a percentage may be obtained which can be taken as *prima facie* evidence of the degree of interest shown. Such evidence, although serving as a satisfactory working basis, cannot be accepted as conclusive. If it could be, the proposition submitted in 1824 on the question of calling a convention would have to be conceded first place from the standpoint of interest. On this, the first referendum in the history of the state, 11,432 voters voted for or against the proposition while the total vote for candidates for Congress at the same election was 11,863. In

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other words over 96 per cent. of the electors voting rendered an opinion on the measure. But this excellent showing was probably not due so much to interest on the part of the voters as to other factors that remain to be discussed.[7] When the convention question was submitted in 1846 and 1868 the percentages were in round numbers 72 and 81 respectively.[8] On all other occasions when measures were submitted under the first two constitutions no percentage can be obtained. Either incomplete returns render such impossible, or the negative vote on propositions was not recorded.

Beginning with 1877 and extending through 1890 various propositions were submitted which called forth an expression of opinion from an average of 76 per cent. of the voters participating in the elections. The state house appropriation measure when submitted in 1877 received 73 per cent. of the total vote, and in 1882, 74 per cent. In 1882 the Illinois and Michigan Canal clause received 83 per cent. In 1888 and 1890 the banking law and amendments polled 68 per cent. and 79 per cent. respectively. The votes on the various constitutional amendments show no marked variation from the above averages. The first, submitted in 1878, received approximately 79 per cent. of the votes for candidates; the second (1880) 69 per cent.; the fourth (1886) 83 per cent.; and the fifth (1890) 82 per cent.[9] Thus the lowest per cent. which any measure received during this period was 68.4 cast upon the banking law of 1888, and the highest was 82.8 received by the constitutional amendment of 1886 abolishing contract convict labor. At first glance these figures would seem to indicate a rather remarkable degree of interest in propositions referred for popular decision.

Beginning with 1892, however, and continuing for a period

[7] See page 399.

[8] The negative vote on the proposition submitted in 1846 is marked in the official records as incomplete, hence the 70 per cent. given above is inaccurate. The total vote was probably much larger than this.

[9] The two measures of 1884 are not included because the negative vote was not recorded in the election returns. As the success of these measures was determined by the proportion of the affirmative vote to the total vote it was not considered necessary to keep a record of the negative vote.

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of eight years the returns on such propositions present an entirely different aspect. The amendment submitted in 1892 attracted only 20 per cent. of the voters at the election. A similar result was obtained upon measures appearing on the ballots of 1894, 1896, and 1898, each of which received less than 25 per cent. of the total vote.

Another abrupt change is noted in 1902 and from this time on through and including the three measures of public policy presented in November, 1910, from 55 to 75 per cent. of the voters marked the referendum ballot. In this series the banking act amendment of 1908 received the least attention, slightly less than half of the voters committing themselves, while the constitutional amendment proposed on the same ballot polled over 76 per cent. of the entire vote, which was greater than that accorded any other measure since 1890. It may also be noted that only during the last eight years has any considerable fluctuation in the size of votes on various measures appeared, which might indicate the presence of something akin to intelligent discretion on the part of the voter. Up to 1892 the percentage of the total vote was somewhat uniform from year to year, while from 1892 to 1902 this uniformity is even more marked, though the actual vote was much smaller. After 1902, however, the variation in percentage is more noticeable and apparently bears some relation to the character of the question submitted.

The situation may be stated briefly as follows: Prior to 1870 referenda were too infrequent or the returns too incomplete to be valuable as a source of study. For twenty years following the adoption of the constitution of 1870 a consistent use of its referendum provisions was made, in which an average of three fourths of the electors participated. Following this was a period of ten years, from 1892 to 1902, in which the referendum was invoked less often. Each measure submitted between these two dates received less than one fifth of the entire vote at the election. Finally, from 1902 to 1910, there has been an increase in the use of the referendum with the vote on measures ranging from one half to two thirds of the total vote at the election.

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The history of the referendum since 1870 thus divides itself automatically into three distinct periods, each being characterized by a marked uniformity in the size of votes on measures, and each differing from the others in the proportion which this vote bears to the total vote.

The variation thus revealed in the size of the votes during these three periods deerves special consideration. Assuming that the size of the vote represents, in a general way, the amount of interest shown by the electorate, a natural explanation for the variation might lie in the character of the questions submitted. But a glance at the measures submitted shows that when practically the same question was referred in different periods the attention which it received varied considerably. Thus the act to amend the banking laws, submitted in 1898, was not inherently different from those submitted in 1890 and 1908. Yet the former polled only 20 per cent. of the total vote while the latter two polled 79 per cent. and 49 per cent. respectively. Again, the remedy sought in the proposed constitutional amendments of 1892 and 1896 was similar to that of the amendment of 1904, but the first two received only 20 per cent. and 25 per cent. of the entire vote while the percentage of the latter, submitted in a different period, was 71. A study of the character of the questions, therefore, fails to furnish a satisfactory explanation for the changes in the size of votes.

Another explanation is suggested by the fact that important changes have been made in the method of submitting propositions and by the still more significant fact that the dates of these changes coincide with the dates which mark the beginning or close of the periods just described. The Official Ballot law, passed in 1891, materially affected the method of submitting questions, as did also the Separate Ballot law of 1899. It will be noted that the adoption of these two laws marks the beginning or close of the periods representing the wide changes in the proportion of voters expressing themselves on questions. A study of the manner of presenting measures is, therefore, necessary to a complete understanding of the results.

Prior to 1848, when the second constitution of Illinois was

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adopted, all voting was done *viva voce*. When the voter approached the polls he was asked not only to name his choice of candidates but if a referendum measure were pending to vote yes or no on it. Under the circumstances the natural thing for him to do was to answer affirmatively or negatively rather than refuse to answer at all. The result was that nearly every voting elector expressed some sort of an opinion on such measures, as is shown by the election returns considered above.[10] The method of *viva voce* voting was, therefore, sufficient of itself to insure large returns on measures without assuming any great interest therein on the part of the public.

After the adoption of the constitution of 1848 the practice of *viva voce* voting was abandoned for that of the printed ballot. Under the latter system the duty of printing the ballots and, incidentally, the duty of carrying out the legal provisions governing the submission of public measures devolved upon the political parties. In this respect, however, the laws were not very explicit. The legislature of 1877 prescribed a uniform rule for the submission of proposed constitutional amendments. An act of that year stipulated that either the affirmative or the negative of such a measure should be "written or printed" on the ballot. This left the parties that printed the ballots much discretion. In the first place they determined whether or not a measure should be written or printed. If written, nothing was placed on the ballot and the voter was left to mark it as he saw fit. If, on the other hand, the printed form was to be used, each party determined which side of the proposition should appear upon its ballots, and the measure as printed was counted as so voted unless the voter took the precaution to scratch it.[11] The political parties thus came to assume large control over the

[10] See page 396.

[11] Thus if the Republican party favored a proposed amendment its ballots would contain the words "For the proposed amendment to section — of article — of the constitution." When such a ballot was cast it was counted as a vote for the amendment unless the voter drew a line through these words, which action was equivalent to a negative vote.

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method of submitting proposed amendments, and it is clear that the legislature intended that this should be the case.

With regard to measures other than constitutional amendments each act providing for the referendum provided also for the method of submission. In general the wording of such acts was similar to that of the law of 1877 but a few deviations may be noted. In 1884, on the occasion of the third submission of the state house appropriation question, the act specifically declared that the affirmative only should be printed upon the ballots. In other cases the parties were invariably given a wider range of discretion than they had with respect to constitutional amendments by the provision that questions may be "written or printed or partly written or partly printed" on the ballots. The additional words "partly written or partly printed" would permit printing the measure in its proper form preceded by a blank space in which the voter might insert "for" or "against". Such a scheme would make it necessary for the voter to mark a measure if he wished to vote upon it, otherwise the ballot would not count as a vote on the proposition.

The laws governing the submission of questions during the period of the party ballot thus left political parties one of three alternatives. They might, in the first place, omit all mention of the measure on the ballot; secondly they might print either the affirmative or the negative of the measure; finally, they might, except in the case of constitutional amendments, print the measure in full with a blank space in which the voter might express either his approval or his disapproval.

In actual practice the parties invariably took advantage of the second alternative and printed one side of the question only. By this means they practically secured a direct party vote on all referendum propositions.[12] When the state house appropriation measure was submitted in 1877, the Republican party, then in power and strongly favoring the grant, urged its local commit-

[12] The expedient of securing a straight party vote upon questions submitted to a popular vote has been resorted to in recent years in Nebraska and Ohio. By this system a voter, on voting the party ticket, votes automatically on the measure. See W. F. Dodd, *Revision and Amendment of State Constitutions*, p. 188.

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tees to have only the affirmative printed upon the party ballots. The appropriation was defeated by equally strenuous efforts, along similar lines, by its opponents.[13] The same experience was repeated in 1882; but in 1884, when the question was submitted for the third time, both of the leading parties approved and, as had been mentioned, the act providing for the submission insured its success by stipulating that the affirmative side only should appear upon the ballot. In effect the legislature thus determined in advance what the popular will on the appropriation should be, and the submission of the measure became nothing more than a mere formality required by law but practically valueless as an expression of popular opinion. In 1878, when the drainage amendment was under consideration and unopposed, its friends openly admitted that the plan of printing one side of the question was the only means of securing a sufficiently large vote, since constitutional amendments required a majority of the total vote at the election. It would, therefore, seem that the plan was recognized as a necessary expedient to overcome general indifference and secure the requisite majority of votes. Again, in 1886, both parties were nominally at least supporting the proposed convict labor amendment. The Democratic central committee arranged to print the affirmative only upon the ballot of that party, "assuming that the people are a unit for it." [14] The Republicans, however, adopted the "novel" scheme of printing both sides of the question and were at once charged with designs to defeat the amendment. In defense of its position the party maintained that such was necessary in order to insure an intelligent expression of opinion from the voter, but this argument was generally regarded as having little merit.[15]

The adoption of the official ballot act of 1891 brought to an end these artificial devices for securing large votes on referendum

[13] The *Springfield Journal*, Oct. 9, 1877, gives a facsimile of the Sangamon County Republican ticket.

[14] See an editorial in the *Illinois State Register*, Oct. 31, 1886. Also the *Springfield Journal* Oct. 30, of the same year.

[15] The party was also accused of disloyalty to the measure on other grounds. See separate pamphlet in the *Illinois State Register*, Nov. 2, 1886.

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measures. Henceforth public measures were printed on the official ballot with blank spaces both for favorable and unfavorable marks, but with no provision by which a straight party vote would count either for or against such measures. By this system a measure to be voted upon at all must be specially marked either affirmatively or negatively. To vote on a proposition thus meant that the voter casting the ballot must give it some attention, whereas prior to 1891 he might have been on record as having voted upon such a measure although actually unaware of its submission. As a result, all measures submitted between 1891 and 1899, which required a majority of the votes cast at the election, were defeated through failure on the part of the voter to give them consideration.[16] It was not long before public spirited citizens awoke to the fact that the ballot act of 1891 rendered favorable action on a referred proposition almost impossible, for no measure, however important, attracted more than one voter in every four who voted for candidates.

The resulting separate ballot law of 1899 was unquestionably intended as another practical device for overcoming popular inertia. It stipulated that all public measures of any sort should be submitted on a separate ballot from that upon which the names of candidates appeared. The secretary of state is required to prepare a statement setting forth in detail the portion of the constitution or laws to be affected by the contemplated changes, together with a concise description of the proposed alteration.[17] These statements are intended to clarify the proposition for the voter, but it is to be doubted if the desired result has in all cases been realized.[18]

[16] The banking law amendment of 1898 which required only a majority on the proposition became law with the approval of 14 per cent. of the voters participating in the election.

[17] Amendment to the Official Ballot Act of 1891. Laws of Ill., 1899, pp. 151, 216.

[18] For instance in 1908 the proposed banking law amendment appeared on the ballot as follows:

"Proposed Amendment to General Banking Law.

"Amending sections 4, 5, 10, and 11 of the General Banking Law. (Laws, 1907, p. 52.)"

In 1906 the following appeared:

"Proposition to sell certain lands of the Illinois and Michigan Canal.

"Shall that part and portion of the Illinois and Michigan Canal and the ninety (90)

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The separate ballot has had a decisive effect upon the number of votes cast upon public measures. The Chicago charter amendment of 1904 received the attention of 71 per cent. of the voters, whereas a proposed amendment designed to solve the same problems which was submitted in 1896 had attracted only 21 per cent. Others factors, however, contributed to swell the sum total in the former instance, foremost among which should be mentioned the strenuous campaign conducted by residents of Chicago to arouse the indifferent voter.[19] The situations are, therefore, not exactly parallel. The submission of two banking law amendments affords a juster comparison. Only 20 per cent. of the voters expressed an interest in the measure of 1898, while in 1908 a similar act on a separate ballot was voted upon by 49 per cent. On both occasions practically no explanation of the propositions was made before the elections. The banking acts and charter amendments are only two instances of what the separate ballot act has done to facilitate the adoption of propositions submitted to a popular vote. It has placed the success of a referendum measure once more within the bounds of possibility.[20]

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foot strip on each side thereof which lie northerly from the point where the northerly line of the present channel of the sanitary district of Chicago in the City of Joliet, Will County, Ill., in sections—together with all property, lands, lots, laterals, feeders, locks, and gates which are a part of said portion of said canal to be sold at public venue (vendue) to the highest and best bidder for cash after giving at least ninety (90) days previous notice of such proposed sale by publication in at least one newspaper of general circulation published daily in each of the cities of Chicago and Joliet, as an entirety and in such parcels as the Governor and Canal Commissioners shall determine to be for the best interests of the state with power to the Canal Commission to reserve the right to reject any and all bids and in case bids or any parts thereof are rejected to readvertise and sell the same and also to execute the necessary deed or deeds to convey the title to the respective parcels sold to the purchaser or purchasers thereof (Laws, 1905, p. 401.)"

[19] The amendment proposed in 1896 sought to amend the amending clause in order to enable the legislature to propose amendments to more than one article at a time.

[20] Other states have had a similar experience with the separate ballot. In Idaho referendum measures submitted in 1906 and 1908 upon separate ballots received almost twice the number of votes cast upon measures submitted during the years immediately preceding when such a ballot was not used. South Dakota has likewise increased the size of referendum votes by the same method. See Dodd, *Revision and Amendment of State Constitutions*, p. 277.

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Just to what extent this increased percentage of the popular vote represents an increased interest on the part of the voter cannot, of course, be determined conclusively. When the separate ballot is placed in the hands of a voter at the polls he will be inclined to mark it in some fashion. Rather than throw away the ballot he will vote it, even without regard to the merits of its contents. Such a vote does not indicate any interest in the measure but is the result of the automatic working of the separate ballot process. This phenomenon doubtless accounts for a large part of the increased vote on measures submitted in the last decade, and to this extent the larger poll does not indicate a greater interest.

The additional vote may not, however, be entirely worthless. When, as is often the case, the separate ballot presents the question to the voter for the first time, any judgment that he may exercise in voting it must of necessity be a snap-judgment. The value of an opinion expressed under such circumstances will depend entirely upon the nature of the question. If it be simple, easily comprehended, and one of general interest, the average elector will be reasonably well qualified to formulate an intelligent opinion on the spur of the moment; whereas, if it be complex, technical, or of interest to some particular locality only, the vote is bound to be less valuable because such questions demand special knowledge which is not likely to be available. Thus votes of this character may be of real value on questions of general public policy and only on such questions. But whatever worth they may possess, they cannot be said to express an added interest in the questions themselves.

Because, therefore, of the ballot conditions under which questions were submitted, the election returns on measures prior to 1891 are of themselves valueless from the standpoint of interest, inasmuch as they furnish no clue for determining what part of the vote was mechanical and what part was due to the voter's initiative. They do become valuable, however, for this very purpose when compared with returns on measures submitted between 1891 and 1899 under the general official ballot, and between 1900 and 1910 with the separate ballot. During the

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nineties the electors received no assistance in the form of mechanical devices to draw their attention toward referenda, and less than one fourth of them voted on such measures. Some voters unquestionably refrained from marking such propositions with the deliberate intention of thereby voting against them, for it was common knowledge that this was an effective and easy method of defeating a referendum measure. In particular cases some newspapers openly urged the voters to reject certain referenda in just this way.[21] On the whole, however, the failure to vote on measures indicates in no uncertain way a decided lack of interest on the part of the electorate. Prior to 1891 many votes were unquestionably cast without the knowledge of the voters who cast them. Between 1891 and 1899 there was no opportunity for automatic, unconscious voting and this element was eliminated. As a result measures received, on an average, about one third as many votes as they had been receiving under the party ballot system although they perhaps received about the same degree of popular attention. Since 1899 the separate ballot has increased the size of the vote on measures by reintroducing to some extent automatic balloting, but under conditions which compel the elector to do his own voting. This increase must also be attributed in part to the fact that many of the questions have been more intelligible and of more direct interest to the average voter than questions submitted before 1899. Even then, with all the facilities offered by a separate ballot a total average of only 60 per cent. of all voters at the elections expressed their opinion on referendum propositions.

This absence of popular interest is likely to manifest itself even in the vote which is cast, and in such a way as to give a distinct advantage to those questions that appear at the top of the ballot. Thus the position of a measure may vitally affect the result. Especially is this true when a large number of questions appear at a single election and when a separate ballot is employed. After marking the first question or the first two or three questions the elector is apt to feel a sense of duty done and decline to trouble himself with the remaining

[21] *Springfield Journal*, 1892, Nov. 7 and 8.

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measures. This tendency has had very little effect upon propositions submitted in Illinois, mainly because only a few questions have been submitted at one time.[22] There is, however, an indication of its presence on at least one occasion. The Chicago charter amendment headed the ballot in 1904, followed by three public policy questions, and the attention which each received varied directly with its distance from the top.[23] On the other hand the last question in 1902 received the greatest share of attention, while in the recent election (November, 1910) the last polled more votes than the second but not so many as the first.

Aside from the form in which a question appears upon the ballot, another factor vitally affecting the popular vote upon any referendum measure is the amount of publicity which it receives on the eve of the election at which it is submitted. This is especially true when the questions are of a nature not directly affecting the interests of the ordinary voter, and most of the measures for which the constitution provides a referendum are of this sort.[24] Few attempts seem to have been made in the past to meet this pressing need. No more than two or three instances can be found in which anything resembling concerted effort was made to familiarize the voters with a proposed measure. This fact may go far to explain the rather discouraging results that have been described.

Even during the period of the party ballot, before 1891, some evidence may be obtained as to the effect which a campaign of publicity and discussion produced upon the resulting vote. The proposed amendment to abolish contract convict labor, submitted in 1886, called forth much discussion. Very early in

[22] Except when entire constitutions with separate articles were submitted at special elections no more than four propositions have ever appeared on the same ballot. Sometimes, however to the state-wide questions are added numerous others of a local nature, so that the voter is often confronted with a formidable array of measures.

[23] 70 per cent. on the amendment, 61 per cent. on question No. 1, 57 per cent. on question No. 2, and 56 per cent. on question No. 3.

[24] Neither the sale of Illinois and Michigan Canal lands nor banking acts are likely to enthuse the voter, while constitutional amendments may or may not be of general interest.

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the campaign representative newspapers of the state began to consider the question, devoting liberal editorial as well as news space to it.[25] The measure was itself a popular one and needed only a general awakening of public sentiment to insure its success. Politically it met no opposition, for both the leading parties gave it unqualified indorsement in their platforms. General newspaper discussion was supplemented by efforts of the State Board of Labor Statistics. This board prepared a small pamphlet of 156 pages containing a discussion of the results of prison contract labor and the effect of the system upon labor in general. The contents of this pamphlet were condemnatory of the existing practice and thousands of copies were distributed among the voters as campaign literature. Labor organizations were directly responsible for the proposal of the amendment, and they did some effective campaigning for the measure. A few days before the election a small leaflet was prepared addressed to the workingmen of the state and containing instructions on how to vote for the amendment.

These attempts to enlighten the public and attract attention to the proposition are mentioned because they seem to have been unusual in the early history of the state-wide referendum. Previous measures had, indeed, been the subject of newspaper comment, usually in the form of short and infrequent editorials.[26] But the contract labor amendment furnishes the only instance before 1891 in which a definite attempt was made to interest and enlighten the voters. The showing at the election would seem to indicate that the effort was worth while for this amendment was voted upon by a larger percentage of the electorate than any other proposition submitted under the same conditions and with other factors substantially the same.

The half-hearted attempts at publicity during the succeeding

[25] The *Illinois State Register* and *Springfield Journal*, the latter of which urged all newspapers to inaugurate a policy of general discussion.

[26] The *Springfield Journal*, which may be taken as typical, devoted three editorials and no news space to the amendment of 1878, one editorial to the two propositions of 1884, while the contract labor amendment of 1886 filled page after page of news space.

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years may be passed over as unworthy of special mention.[27] Prior to 1891 there was ordinarily no need for undue exertion in this respect, for the success of a measure could be more easily assured by the method of printing only the affirmative of the question on the party ballots. Under the official ballot law of 1891 three successive defeats of proposed constitutional amendments were necessary to convince the public that a measure could not hope to be successful without extraordinary efforts being made to overcome the indifference and ignorance of the voters.[28] When, therefore, the amendment to provide special legislation for Chicago was submitted in 1904 every possible effort was made to accomplish this task. The details of some of the methods employed in this campaign furnish a striking example of what may be done to arouse interest in propositions submitted to popular vote.

The proposed amendment was submitted at the fall election of 1904. As early as the summer of 1903 the executive committee of the new Chicago charter convention selected a publicity committee to advertise the measure. This committee worked in conjunction with the Referendum League of Illinois and other organizations to effect its end. Although the proposition became an important factor in the political campaign it was strictly non-partisan. Late in January, 1904, the Republican Central Committee adopted resolutions urging all voters, regardless of party, to vote for the amendment. The state and local party conventions were asked to take similar action. During the course of the campaign candidates for office strongly

[27] The only mention of referendum measures to be found are short editorials of indorsement or denunciation. In 1892 the Springfield papers contained one or two editorials each. Propositions of 1894 and 1896 received relatively the same amount of attention.

[28] In 1904, Mr. Deneen, then candidate for governor, declared that the constitutional amendment then pending was not threatened by open hostility but by ignorance and indifference. He cited as an example an instance from southern Illinois where sixty voters were questioned concerning the proposal. All except one confessed to absolute ignorance and that one revealed his ignorance by his explanation.

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urged its adoption.[29] The press of the state led by the Chicago dailies, generously assisted in arousing interest,[30] while various business interests gave it emphatic support. It is estimated that over three million pieces of literature were distributed in various ways. On one day alone fifty thousand pamphlets were sent through the mails to voters.

The campaign did not stop until the polls closed on election day. Special efforts were made to bring out the voters. With a fund of $30,000 at its disposal the publicity committee of the charter convention assigned a small army of eight thousand men to work in the 3,841 election precincts of the state. Over five thousand of these were paid by the committee for their services, while hundreds of volunteers were drawn from the colleges and universities. Several large business houses of Chicago loaned their employees to the committee for the day, while the regular precinct workers, regardless of party, also assisted.[31] As a final appeal, cards explaining the method of voting the "little ballot" [32] were handed to the voters when they approached the polling places.

In view of these extraordinary efforts it is interesting to note what effect the campaign produced upon the final vote. In the returns we find that 1,089,000 votes were cast at the election; 678,000 votes were cast for the proposed amendment and 94,000 against it. Thus about 71 per cent. of the electors voted upon the proposition. Other measures found on the same ballot but not so extensively advertised and discussed polled about 58 per cent. of the total vote.[33] Considering the question

[29] The *Galesburg Republican Register*, in one issue, appeared with a four-column editorial endorsing the amendment. St. Louis papers, reaching the great mass of voters in southern Illinois, also contributed to the cause.

[30] Both Mr. Deneen and Mr. Stringer, candidates for governor, favored it in several of their addresses.

[31] They were decorated with white badges bearing the legend, "Vote yes for the charter amendment."

[32] The separate ballot is popularly known as the "little ballot" to distinguish it from the large ballot upon which the names of candidates appear.

[33] These were public policy measures. It should also be noted that they were questions of direct interest to the voters, while the amendment directly affected only the voters of Chicago. However the fact that the public policy votes were regarded as in no way binding may have reduced the size of the votes on these measures.

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from the other point of view, 29 per cent., or almost one third of those voting for candidates, could not be induced to consider the little ballot. This is equivalent to saying that a public measure, receiving practically as much attention in a political campaign as the candidates for office attracted about two thirds as many voters.

The question of the $20,000,000 deep waterway bond issue, presented as a constitutional amendment in 1908, is another example of a measure favored with much publicity. The large vote which it received as compared with the votes on other measures, has been mentioned. More than 300,000 voters considered the amendment who did not consider an accompanying measure which was neither explained during the preceding campaign nor on the ballot.

These instances are sufficient to show that the size of the total vote on a referendum measure has borne a direct relation to the amount of publicity it has received. Whenever special efforts have been made to enlighten the public, and they have been rare, the public has responded by giving such propositions a greater amount of consideration than others not so well advertised.

A study of referendum votes in Illinois reveals very little as to relative interest which voters have taken in questions of general public policy as distinct from questions that are more or less technical in nature. Judging from the returns it would seem that the voters have disposed of all kinds of questions with almost equal facility. The purely technical proposition of selling property of the Illinois and Michigan Canal was voted upon by a larger share of the electorate than the public policy questions concerning the initiative and referendum, the direct primary, or the direct election of United States senators.[34] Most of the nine questions of public policy that have been submitted to a popular vote have dealt with subjects upon which public opinion has been more or less definitely crystallized. The three submitted in 1902 asked the people for an expression of opinion

[34] But banking law amendments, which are also technical in nature, have always fared worse than other propositions.

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concerning the adoption of the initiative and referendum for state-wide and local legislation, and concerning the election of senators directly by the people. Those of 1904 related to a direct primary law and greater local autonomy. The initiative and referendum proposition was resubmitted in 1910, accompanied by two others relating to corrupt practices at elections and state-wide civil service.

On all these occasions the voters were requested to express their opinion on questions of general policy, stated concisely on the ballot. Notwithstanding the comparative ease of voting on such measures they invariably received less consideration than constitutional amendments and proposed statutes. The desirability of a direct primary law must have been generally recognized in the autumn of 1904 after the prolonged deadlock in the Republican convention at Springfield. It was at least a question with which the electorate was familiar. Yet it received a smaller proportion of the total vote, by five per cent., than the question of selling canal property, which was scarcely capable of being understood even by the intelligent voter, and the merits of which were not discussed. The lighter vote on public policy measures may be partially attributed to a common knowledge that they were merely expressions of opinion and had no binding force and perhaps partly to the fact that the propositions were necessarily somewhat vague and did not indicate the precise terms of the legislative proposal. Whatever the explanation, the fact remains that only slightly over half of the voting populace has manifested sufficient interest in them to give them consideration, even when voting upon measures on the same ballot.

Mention has already been made of the fact that, in Illinois, most measures must be submitted at general elections, and the affirmative vote in order to carry the measure must constitute a majority of the total vote at the election.[35] Prior to 1891 this stipulation did not prove to be a serious obstacle, for all meas-

[35] It should be repeated that the banking and public policy measures do not require a majority of the total vote at the election.

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ures save one [36] secured the required number of votes with comparative ease. Fifteen measures of this character have been voted upon since the adoption of the present constitution.

Nine of these were submitted before 1891, and of the remaining six, four have failed. The proposed amendment of 1892 was defeated by direct opposition [37] as much as by the apathy of voters. The failure of the canal proposition of 1906 may well be ascribed to the same cause, so far as the returns may be taken as an index. Sixty-six per cent. of all the voters voted on the measure but almost half of them voted in the negative. The remaining two amendments owe their defeat solely to electoral lethargy. In 1894 three times as many voters favored the proposal as opposed it, but the favorable vote constituted only 17.6 per cent. of the entire vote at the election. The favorable vote on the proposed amendment of 1896 was proportionately almost as large but it again amounted to only 14.9 per cent. of the total vote.

A brief survey of the operation of this provision requiring a favorable vote of a majority at the election thus shows that it has not been in fact as disastrous as might have been expected. It has been the direct cause of failure for four measures that were approved by a majority of those voting on the question. But nine measures have been successful in spite of it. Upon two other measures which were defeated the negative vote was larger than the affirmative, which might indicate that even had a sufficient number of the electors voted thereon they would still have been lost. At any rate it is not so clear that with respect to them the provision requiring a majority at the election defeated what would have been the popular will had it been expressed more fully.

On the other hand it is evident that, after the adoption of the official ballot in 1891, the provision requiring a majority at the election made a successful referendum on measures to which it applied almost impossible. This was due to the fact that, under

[36] This was the state house appropriation measure. On one of the two occasions wh en it was defeated the negative vote almost tripled the affirmative.

[37] It received an affirmative vote of 84,645 while 93,420 votes were against it.

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the ballot conditions prescribed by that law, a sufficient number could not be induced to cast a vote upon measures. Only two of the seven propositions of this character submitted since 1891 have polled the requisite majority and these only after the strenuous efforts at publicity already described. Since 1899 the task has been lightened by the separate ballot which has made the adoption of such measures much easier. Under present conditions of submission, therefore, the requirement that these measures must receive a majority of votes cast at a general election is not exactly prohibitory, but is so nearly so as to render the success of any proposal, even if unopposed, a subject of grave doubt. The only effective method of overcoming the difficulties occasioned by this constitutional provision would seem to lie in instituting a thorough and systematic campaign designed to enlighten the voters and arouse their interest in such measures.

Had the adoption of the banking laws and public policy measures required a majority at the election rather than a majority on the proposition several of them would have been disposed of differently. Of eleven such measures that have been submitted seven would have failed to pass. The amendment to the banking laws, proposed in 1908, was adopted by 40 per cent. of the voting electorate, while 14 per cent. adopted a similar act in 1898. Five questions of public policy would likewise have been rejected, among them being the initiative and referendum, state-wide civil service, and corrupt practices at elections. Thus of the entire seventeen measures that have been referred since the adoption of the official ballot act, eleven have failed to receive a majority of all votes cast at the election and this number includes such popular questions as have been mentioned above. Such a situation reveals something of the difficulties that must be encountered by proposed constitutional amendments in Illinois.[38]

[38] Proposed amendments are confronted with a further difficulty arising from the constitutional provision prohibiting the submission of proposed amendments to more than one article at the same election, or amendments to the same article more than once in four years.

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This brief study of the record of the people of Illinois with the state-wide referendum, limited as it has been, would not, of itself, justify roseate hopes of future success with its more extended use. It may well be questioned whether a referendum can be deemed a success when only a small minority of the voters take advantage of it, and the apparent lack of interest on the part of the public is the most discouraging part of our past experience in this regard. The majority of questions that have been submitted to a popular vote have been adopted, but their success must be attributed to mechanical ballot devices employed in submitting them rather than to a real interest manifested by the people. In a few instances systematic efforts at advertising the measures submitted have accomplished much in overcoming this inertia, and these experiences would seem to indicate rather clearly an effective means of meeting the serious problem arising from the absence of popular interest.

While general electoral lethargy has thus destroyed the value of the referendum as a means of obtaining a real expression of public opinion it has, when coupled with the requirement of a favorable vote of a majority at the election, acted as a practical barrier against the success of measures for which a popular vote is provided. It has defeated directly some very desirable legislation, and has accomplished the same end indirectly by preventing the submission of other measures because of the recognized futility of obtaining their adoption.

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VOTES ON REFERENDUM PROPOSITIONS IN ILLINOIS.

(1877–1910.)

	Proposition	Vote for	Vote against	Total vote on Proposition	Total vote at Election	Percentage of vote on Proposition to Total vote
1877.	Additional appropriation for state house	80,222	204,860	285,082	389,189	73.25
1878.	Drainage amendment	295,960	60,081	356,041	448,796	79.33
1880.	County officers amendment	321,552	103,966	425,518	621,117	68.5
1882.	Additional appropriation for state house	231,632	163,796	395,428	532,583	74.24
	Cession Illinois and Michigan canal to U. S.	363,855	59,675	423,530	532,583	79.52
1884.	Additional appropriation for state house	364,796	*	.....	673,096	.....
	Amendment-veto of separate items of appropriation bills	427,821	*	.....	673,096	.....
1886.	Amendment abolishing contract convict labor	306,565	169,327	475,892	574,080	82.89
1888.	Act to amend the banking laws	380,945	130,772	511,717	747,683	68.44
1890.	Amendment authorizing Chicago bond issue for Columbian Exposition	500,299	55,073	555,372	677,817	81.90
	Act to amend banking laws	480,512	56,737	537,249	677,817	79.26
1892.	Amendment to amending article	84,645	93,420	178,065	871,508	20.43
1894.	Amendment to provide for labor legislation	155,393	59,558	214,951	873,426	24.61
1896.	Amendment to article on amendment	163,057	66,519	229,576	1,090,869	21.04
1898.	Act to amend banking laws	124,656	55,773	180,429	878,583	20.53

* Negative vote not recorded.

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VOTES ON REFERENDUM PROPOSITIONS IN ILLINOIS.

(1877–1910).

	Proposition	Vote for	Vote against	Total vote on Proposition	Total vote at Election	Percentage of vote on Proposition to Total vote
1902.	Initiative and referendum—(public policy measure)	428,469	87,654	516,123	859,974	60.01
	Local initiative and referendum—(public policy measure)	390,972	83,377	474,349	859,974	55.15
	Direct election U. S. senators—(public policy measure)	451,319	76,975	528,294	859,974	61.43
1904.	Amendment providing for special legislation for Chicago	678,393	94,038	772,431	1,089,458	70.90
	Direct primary (public policy measure)	590,976	78,446	669,422	1,089,458	61.44
	Local veto on local legislation (public policy measure)	535,501	95,420	630,921	1,089,458	57.91
	Local control of local taxation (public policy measure)	476,783	140,896	617,697	1,089,458	56.69
1906.	Sale of Illinois and Michigan Canal lands	313,297	282,980	596,277	899,016	66.32
1908.	Amendment to separate section on canal to authorize $20,000,000 bond issue	692,522	195,177	887,699	1,169,330	75.90
	Act to amend banking laws	473,755	108,553	582,308	1,169,330	49.79
1910.	Initiative and referendum (public policy measure)	447,908	128,398	576,306	945,711	60.93
	State civil service (public policy measure)	411,676	121,132	532,808	945,711	56.33
	Corrupt practices act (public policy measure)	422,437	122,689	545,126	945,711	57.64

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CONSTITUTIONAL DEVELOPMENTS IN FOREIGN COUNTRIES DURING 1910.[1]

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In the summary of foreign constitutional developments, published in this REVIEW for August, 1910, some attention was paid to the movements in Hungary and in Prussia for an extension of the suffrage. With respect to these movements it is sufficient now to say that nothing has yet been accomplished. In Prussia there seems to be no immediate prospect of reform; and the Prussian government, relying as it does for support in the Landtag upon the conservative parties which would suffer through an electoral reform, has declined to bring forward any further proposal for the liberalizing of the suffrage.[2] In Hungary the Khuen-Héderváry ministry won the election of June, 1910, largely upon the program of electoral reform, but no project has yet been presented, and the delay is explained on the ground that it is necessary to await the results of the new census which was begun early in 1911. Although no announcements have been made it now seems that Count Andrássy's plan of plural voting will be abandoned, and that the "Magyar character of the Hungarian state" will be preserved by a scheme of apportioning members of the house of representatives in such a way as to give the Magyars a greater power than their numbers would justify.[3]

The most important constitutional movement of the year in Germany has been that with respect to the proposed reforms in Alsace-Lorraine. The imperial govenment had several times

[1] The English constitutional struggle is excluded from discussion in this paper.

[2] See an interesting article by Paul Matter, *La réforme électorale en Prusse*, Annales des Sciences Politiques, vol. 25, p. 625.

[3] Joseph Mailath, *Les élections générales hongroises*, Questions Diplomatiques et Coloniales, vol. 30, p. 218. W. de Ruttkay, *The new era in Hungary*, National Review, March, 1911.

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promised to bring forward proposals granting greater autonomy to Alsace-Lorraine, and proposals for this purpose were presented to the Reichstag on December 17, 1911, after having been approved by the Bundesrat. Under the terms of this plan Alsace-Lorraine was to remain a "Reichsland," and was to have no representation in the Bundesrat. The Statthalter was to remain subject to appointment and removal by the emperor. But for local legislative purposes the Bundesrat and the Reichstag were to be superseded by a Landtag composed of two houses, whose laws should, however, not be effective until approved by the emperor. The budget was to be voted annually, but if not voted by the Landtag, the government was to have power to collect taxes and expend money on the basis of the budget of the preceding year. The upper house was to be composed of not more than thirty-six members, one half appointed by the emperor on the nomination of the Bundesrat; of the other half several were to be persons who should be members by virtue of their offices, and eleven members were to be elected by municipal councils, commercial and industrial bodies. The lower house was to be composed of sixty members elected for five years on the basis of universal male suffrage, but voters over thirty-five years of age were to have two votes, and those over forty-five three votes.[4]

These proposals met with criticism from all sides. The people of Alsace-Lorraine objected because of their desire to obtain a position as a state in the empire with representation in the Bundesrat. The conservatives on the other hand objected to the principle of universal suffrage, and to the granting of extended powers to Alsace-Lorraine, even though the grant of autonomy were as strictly guarded as in the proposed constitution. After debate in the Reichstag these proposals were referred to a special committee, which at meetings in February, 1911, adopted the principle that Alsace-Lorraine should become a state of the empire, and provided that the Statthalter should be appointed for life. The goverment declined to accede to these principles, and the sessions of the committee were

[4] Entwürf eines Gesetzes über die Verfassung Elsass-Lothringens.

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adjourned in order to give time for the formation of a compromise. On March 9, the government declined to accept the proposed amendment with respect to the Statthalter, but agreed that Alsace-Lorraine should be considered as a state of the empire, and that it should have three votes in the Bundesrat; inasmuch as these members would be appointed and instructed by the Statthalter, a delegate of the king of Prussia, this concession was agreed to by the Bundesrat only on condition that the votes of Alsace-Lorraine should not be counted in favor of the Prussian view of any question unless Prussia could obtain a majority without such votes, and it was also agreed that the votes of Alsace-Lorraine in the Bundesrat should not be counted upon proposals of amendment to the federal constitution. The committee of the Reichstag then proceeded to the consideration of the amended proposals, which were reported to the Reichstag on May 19, and the measure was passed by the Reichstag on May 26.[5]

In France the question of proportional representation was before the people in the elections of April and May, 1910, and the popular vote was quite definitely favorable. M. Briand presented a proposal for electoral reform, on June 30, 1910, which was referred to a committee. This committee reported a series of amendments to the ministerial bill, on November 17, but their proposals, meeting with opposition, were withdrawn and others substituted in their place. The Briand ministry was replaced in February, 1911, by the ministry of M. Monis, the head of which expressed himself in March as favorable to a plan similar to that presented by the second report of the committee. An elaborate committee report, containing the draft of a proposed law, was submitted to the Chamber of Deputies in March. The introduction of electoral reform in France has undoubtedly been delayed by the change of ministry, but the delay appears to be merely a temporary one.[6]

[5] Questions Diplomatiques et Coloniales, vol. 31, pp. 54, 240, 308, 436. See articles by Pierre Braun and René Henry in *ibid.*, vol. 31, pp. 345, 653. See also Revue Politique et Parlementaire, vol. 66, p. 308, and May 10, 1911, pp. 399–401.

[6] Lachapelle, *L'Application de la représentation proportionnelle*, Revue Politique et Parlementaire, vol. 66, p. 466. See also articles in the same review, vol. 67, pp. 69, 446, 521. The recent fall of the Monis ministry will probably delay electoral reform still further.

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The introduction of proportional representation in the Swiss federal government has received another check. The proposed constitutional amendment upon this subject which was submitted to the people of Switzerland in 1900 embodied also the principle of popular election of members of the federal council, and the rejection of this measure did not on this account constitute a clear popular judgment upon the subject. The amendment for proportional representation, proposed by the Federal Assembly on June 7, 1910, presented the question clearly and unencumbered with any other measure. Less than five eighths of the voters expressed themselves in the election of October 23, 1910, and of those voting 265,194 voted in the negative, while 240,305 voted in the affirmative; of the cantons twelve voted in favor of, and ten against the proposed amendment. This popular judgment should, it seems, settle the question for a time, but the advocates of proportional representation have immediately set to work to present the matter again. The federal amendment was opposed by the radical party, which will very likely lose strength under a system of proportional representation. It may be of interest to suggest that all of the cantons having proportional representation voted in favor of the federal amendment; and that the people of St. Gall on February 5, 1911, adopted proportional representation by an overwhelming vote, there being now nine cantons which have this system.[7]

In Norway during the past year there has been another extension of the suffrage. A constitutional amendment of 1907 extended the right to vote for members of the Storthing to women twenty-five years of age and over who themselves or whose husbands pay a tax upon an annual income of 400 kroner in cities or upon 300 kroner in the country. Women already had the right to vote under similar conditions in communal elections. A law of June 7, 1910, established universal woman's suffrage in local elections, and it probably will not be long before the tax qualifications for voting in national elections will be

[7] Schweizerisches Bundesblatt, 1910, vol. 5, pp. 425–428. Revue Politique et Parlementaire, vol. 65, p. 293; vol. 67, p. 387.

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removed.[8] In April, 1911, legislation was enacted in Norway admitting women to practically all the offices of the government.

In Italy during the past year there have been two movements of importance from the constitutional standpoint—that relating to proposed reforms in the organization of the senate, and that with respect to a proposed extension of the suffrage. The Italian senate is now composed of members appointed for life by the king, the princes of the royal family also having seats therein. The senate has, largely because of its composition and in part also because of the more important position of the house of deputies in the parliamentary system, occupied a position of small influence in the Italian government. The question of a reform in organization was debated by the senate itself in the spring of 1910, and the ministry suggested the appointment of a committee to consider the matter. A committee was appointed, and presented an elaborate report on December 5, 1910, which was in large part written by Senator Arcoleo, a distinguished authority in the field of constitutional law. The committee seems to have borrowed in part from Spain in its suggested plan of reorganization. Its scheme provided for a senate of three hundred and fifty members, of whom not more than one hundred and twenty should be appointed by the king; the others were to be elected by the universities, former deputies and the higher taxpayers, provincial and communal assemblies, chambers of commerce, agricultural associations, and workmen's societies. Resolutions were adopted by the senate in February, 1911, asking the ministry to present proposals for the reform of the senate, and also for the purpose of vesting in the senate the choice of its own presiding officer; but the senate rejected the resolutions proposed by the committee for a thorough-going reorganization of the upper house, and contented itself with a vote in favor of an enlargement of the classes of citizens from among whom senators may be appointed by the king. There

[8] Revue Politique et Parlementaire, vol. 65, p. 602; vol. 67, p. 620.

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is no immediate prospect of a reorganization of the Italian senate.[9]

The movement for the extension of the suffrage in Italy will probably be more successful than has been that for the reorganization of the senate. At present the right of suffrage is limited to males twenty-one years of age and over who can read and write, and those who have not completed the course of compulsory elementary education may not vote unless they have served for two years in the army or pay an annual direct tax of not less than 19.80 lire. For some time there has been an agitation for suffrage reform, and the Luzzatti ministry fell in March, 1911, because of its adherence to a plan of suffrage extension which should not become effective until 1913. The Giolitti ministry, which replaced that of Luzzatti, presented the text of a proposed law on June 10, 1911, which goes a long way toward establishing universal male suffrage. Practically all males over thirty years of age, and all over twenty-one who have rendered the required military service, are given the ballot, irrespective of whether they can read and write. These proposals, if adopted, will more than double the number of voters. The proposed enfranchisement of a large body of illiterate voters makes necessary also a revision of electoral methods, and the introduction of printed ballots. The Giolitti bill also proposes the compensation of members of the house of deputies. It now seems that this measure will be adopted.[10]

The Portuguese revolution of the early part of October, 1910, was one of the most interesting occurrences of the past year. Portugal has for years been the prey of party organizations bent primarily upon personal aggrandizement, and conditions have almost steadily gone from bad to worse. During 1907 and the early part of 1908 the country was ruled by a dictatorship, independently of the Cortes and of the political parties, but this led to the assassination of King Carlos and the Crown

[9] Tambaro, *La réforme du Sénat italien*, Revue du droit public et de la science politique, vol. 27, p. 525. Nazzareno, *La riforma del Senato*, Rivista di diritto pubblico, vol. 3, p. 171. Per la Riforma del Senato: Relazione della Commissione (Rome, 1911, pp. 123).

[10] The text of the Giolitti proposals may be found in *Il Secolo*, June 11, 1911.

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Prince in February, 1908. Manuel then succeeded to the throne. Conditions became no better, and the republican party continued to increase in numbers. The change from kingdom to republic came almost without bloodshed, for the royalists were unprepared, and the royal family fled almost at the first outbreak of disorder. A republican government was organized immediately, and began almost at once to grapple with the important question of the religious orders. The Republic seems so far to have been successful, although to the present it has functioned without a representative chamber. Elections for a constituent Cortes were held in May, and that body will meet on June 19, 1911, to frame a republican constitution. A change of government, will not, of course, bring political or economic regeneration to Portugal, but it may have succeeded in giving power to individuals who realize the necessity of reform, and may thus mark the first step away from present conditions in what is the most backward country of western Europe.[11]

There has been some improvement in the Greek political situation during the year. The assembly convened to revise the constitution met on September 14, 1910, but was dissolved after a stormy session lasting about six weeks, and new elections were held early in 1911. The newly elected assembly voted in May to establish a council of state which should perform to some extent the functions of a second legislative chamber. The revision of the Greek constitution has been practically completed, but it will probably not be put into effect until 1912.[12]

In the Russian empire little progress has been made during the past year toward a more liberal régime. The law practically withdrawing Finnish autonomy went into effect on June 30, 1910, and the Russian Duma was in this case made an instrument for the curtailing of the liberties of Finland. With respect to Russia itself events within the past few months show the

[11] Questions Diplomatiques et Coloniales, vol. 30, pp. 506, 521; vol. 31, p. 563. William Archer, *The Portuguese Republic*, Fortnightly Review, February, 1911.

[12] See an article by H. Marchand, *La crise hellénique*, Questions Diplomatiques et Coloniales, vol. 30, p. 402.

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slight extent to which the Duma limits autocratic power. A measure for the establishment of Zemstvo institutions in the western provinces was presented by the government and passed by the Duma, but was rejected by the Council of the Empire. Stolypin resigned after this adverse vote, but returned to power almost immediately, adjourned the legislative bodies for three days during the latter part of March, 1911, and in the interval the law in question was promulgated by imperial decree. At the same time a number of Minister Stolypin's opponents, including Count Witte, were removed from the Council of the Empire. Neither the Duma nor the Council of the Empire was disposed to submit silently to this wanton disregard of the parliamentary institutions guaranteed by the constitution. After listening to Stolypin's attempted explanation of his actions, the Council of the Empire in April voted resolutions condemning the minister, and the Duma by a large majority took similar action in May. The arbitrary conduct of the minister in this case indicates the weakness of representative institutions in Russia, but the concentration of public attention and the apparent weakening of Stolypin's position which have resulted from this action, may accrue to the benefit of the Duma and strengthen its position for the future.[13]

The movement toward parliamentary institutions in China continues. The senate or imperial assembly, composed in part of appointed members and in part of delegates from the provincial councils, met on October 3, 1910, and, contrary to expectations, sought to exercise a direct control over the government. The assembly was in session for about three months; it petitioned for the establishment of a national parliament in the near future, and the government has promised to convene the parliament in 1913 rather than in 1917 as originally planned. The assembly also petitioned for the establishment of a constitutional cabinet. Early in May, 1911, an imperial edict was issued establishing a constitutional cabinet of ten members. The assembly seems to have done effective work in preparation for an elected parlia-

[13] On the weakness of the Duma as a parliamentary institution, see I. A. Hourwich *The Russian Duma*, Proceedings American Political Science Association, 1910, p. 53.

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ment, but it yet remains to be seen whether the constitutional institutions in China will be more than reforms on paper.[14]

The little principality of Monaco, finding that constitutions are in fashion, now has a fundamental law which was granted in the fall of 1910, and went into effect in January, 1911. A single-chambered legislative body elected by universal male suffrage is established, and thus the appearance of constitutional government is assumed, while the reigning prince retains the substance of power.

In February, 1911, a proposal was adopted for the convocation of a grand Sobranjé or assembly to modify the constitution of Bulgaria in certain respects. The date for the elections was fixed as June 18, and that for the meeting of the assembly as June 22.

Attention has been frequently called to the fact that in federal unions there has been an almost steady movement toward increasing the power of the central government, such a movement necessarily involving a decrease in the importance and powers of the component states. During the past year there has been an important struggle in Australia to increase the power of the Commonwealth government, particularly in industrial matters. An amendment proposed by the Commonwealth parliament in 1909 was subsequently approved by the people and went into effect in August, 1910; by this amendment the words "as existing at the establishment of the Commonwealth" were stricken from section 105 of the Constitution, and the Commonwealth government now has full power to take over any debts incurred by the states since 1901 or which the states may incur in future.

But the important constitutional questions in Australia during the past year have been those with respect to the federal control of commerce and corporations. The federal high court has within the past two or three years declared invalid federal legislation aimed to prevent monopoly and to regulate industrial conditions. To meet this situation two constitutional amend-

[14] Fernand Farjenel, *Le mouvement constitutionnel en Chine*, Revue Politique et Parlementaire, vol. 65, p. 311; *ibid.*, vol. 67, p. 610.

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ments were proposed by the parliament in 1910, but were overwhelmingly defeated by the people on April 26, 1911. The first of these proposed amendments was in substance as follows: (1) Section 51, paragraph 1, which grants the Commonwealth parliament power to make laws with respect to "trade and commerce with other countries, and among the states" was to be amended by omitting the words "with other countries and among the states"; (2) paragraph 20 of the same section which grants parliament power with respect to "foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth" was to be replaced by a grant of power over "corporations, including (a) the creation, dissolution, regulation, and control of corporations; (b) corporations formed under the law of a state (except any corporation formed solely for religious, charitable, scientific or artistic purposes, and not for the acquisition of gain by the corporation or its members), including their dissolution, regulation, and control; and (c) foreign corporations, including their regulation and control"; (3) section 51, paragraph 35, which grants the federal parliament power with respect to "Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one state," was to be replaced by a provision extending federal power over "labor and employment, including (a) the wages and conditions of labor and employment in any trade, industry or calling; and (b) the prevention and settlement of industrial disputes, including disputes in relation to employment on or about railways the property of any state"; (4) to section 51 was to be added a new paragraph 40, extending federal power over "combinations and monopolies in relation to the production, manufacture or supply of goods or services." The second proposed amendment would have added a new section 51a to the constitution, reading as follows: "When each house of Parliament, in the same session, has by Resolution declared that the industry or business of producing, manufacturing, or supplying any specified goods, or of supplying any specified services, is the subject of a monopoly, the Parliament shall have power to make laws for carrying on the industry

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or business by or under the control of the Commonwealth, and acquiring for that purpose on just terms any property used in connection with the industry or business."

These proposed amendments would have enlarged very greatly the powers of the Commonwealth at the expense of the states, but were necessary to carry on the reforms proposed by the labor party, which is now in power. The overwhelming defeat of the proposals when submitted to the people seems not to have discouraged the labor leaders, who will probably again bring forward the proposals as soon as possible. And it is likely that the Commonwealth government will, within a few years, gain power over commerce and industry throughout the whole of Australia.[15]

[15] Australian Commonwealth Statutes, 1910, pp. 117, 118. Victor S. Clark, *The Labor Party and the Constitution in Australia,* Journal of Political Economy, June, 1911, (vol. 19, p. 479). Upon the subject of the control of corporations and monopolies it may be well to call attention to the enactment by the Canadian parliament of a "Combines Investigation Act" (May 4, 1910), and by the New Zealand parliament of a "Commercial Trusts Act" (November 21, 1910). These acts, together with much useful information regarding the British self-governing colonies may be found in Report of the Dominions Department of the Colonial Office for 1910-11. (London, 1911.)

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NOTES ON CURRENT LEGISLATION.

EDITED BY HORACE E. FLACK.

Board of Public Affairs. The Wisconsin legislature, in its last session, enacted a law providing for a Board of Public Affairs, to consist of the governor, secretary of state, chairman of the finance committees of the senate and the assembly, and three other persons who are to be appointed by the governor, and who shall not be members of the faculty of the University of Wisconsin. The governor, who is chairman of the board, has the power to fill vacancies among the appointed members and to remove them from office for inefficiency, neglect of duty, and malfeasance in office.

No member of the board is to receive compensation, although his necessary traveling expenses are allowed. The body may appoint a secretary and such experts and other employees as it may deem necessary.

The board is to have such supervision of every public body as seems necessary in order to secure uniformity and accuracy in the accounts kept by these bodies; and it may require for this purpose the production of books, papers, and accounts, documents and testimony.

Subpœnas issued by this board may be enforced by the circuit courts of any county, or the judge thereof, as if they had been issued by the court itself. A clause inserted makes it obligatory for every public body to afford the board free access at any time to its accounts, books, and records, and to permit it to secure evidence and information from any employee, on any subject connected with the records of that body. The duties of the board are stated as follows:

"(1). To investigate the materials and resources of the state and to promote their greatest use and highest development, especially through home and farm ownership, coöperation, publicity, immigration, and settlement; to investigate the cost and standards of living within the state; the difference between the amounts which producers and dealers within and without the state receive for their products and the amounts which consumers pay therefor; and the measures that may be adopted to reduce this difference, and to provide for

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more economic distribution of products and commodities. (2). To coördinate by mutual agreement with the several public bodies, their investigations, and to provide for such additional investigations as may be necessary to carry out the purposes of this section. (3). To coöperate with agencies of the federal government and of other governments and with voluntary associations having for their object the investigation and development of the resources, markets, industries, and opportunities of the state and of the various sections and communities therein. (4). To publish such reports and to make such recommendations to the legislature as may be advisable in carrying out the duties of the board."

It is made the duty of the governor, as chairman of the board, to appear in person before a joint session of the legislature, at noon, on the first Tuesday in February, 1913, and at noon each legislative day thereafter until such joint session shall adjourn, and to there answer questions submitted not less than three days before by any member of the legislature regarding the Board of Public Affairs and its work.

For the purposes of this law the term "public body" is defined as follows: "The phrase 'public body' shall mean and include every incumbent of any office or position under the constitution or laws of this state; every department, commission or board in which any such incumbent is employed as such: and every officer, office, department, commission, board, or institution, the conduct or operation of which involves the receipt, expenditure or handling of any state funds or property." The term "accounts" shall mean all accounts, records and reports relating to the jurisprudence of any public body.

LORIAN P. JEFFERSON.

Cold Storage. Under the new Indiana law regulating cold storage warehouses, all food products placed in cold storage must bear a tag showing the date of entry and on removal, a similar tag showing date of departure, except when such articles become objects of interstate commerce. Food products offered for sale in the state which, however, have been in cold storage outside of the state must bear the tags required for products whose storage took place in the state. The time limit for storage in Indiana is placed at nine months, the state board of health to decide on the condition of food which has been in storage for a longer period. Sales of articles, the tags of which have been altered or destroyed, are unlawful. Storage eggs must

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not be sold as fresh eggs and, further, eggs which have been in storage thirty days and the containers in which they are delivered to the purchaser must be plainly marked "cold storage." The state board of health may inspect at any time the records it requires cold storage warehousemen to keep and it is the same board from which warehousemen must obtain licenses before they can do business, the funds from the license fees of $10 each being used for the enforcement of the law. Such licenses may be revoked by the board if in their opinion the warehouse is unsanitary or conducted in any way contrary to law. In further carrying out the act, not only the board of health but the state food and drug commissioner and the county, city and town health officers have full powers to inspect premises and prosecute violators of the act.

ETHEL CLELAND.

Commission Government Law of New Jersey. As a part of a program of "progressive legislation" the legislature of New Jersey has passed an act providing a form of government of cities by commission. This act, which is permissive and applies to "cities, towns, boroughs and other municipalities" contains only such features as are now commonly found in laws for this purpose. The commissioners, five in number for cities of ten thousand population or over and three for smaller cities, are chosen simultaneously for a term of four years. The board at its organization elects one of its number to preside with the title of mayor but such officer has no veto power. Upon this board of commissioners are conferred all the powers, administrative, judicial and legislative hitherto exercised by the mayor, council and all other governmental bodies of the city. Besides the enumerated powers conferred on cities by existing law this act makes a general grant of authority to enact and enforce "all ordinances for the protection of life, health and property; to declare and prevent and summarily to abate nuisances; to preserve and enforce the good government and general welfare, order and security of such city and shall have all powers necessary for its government not in conflict with the laws applicable to all cities of this state or the provisions of the Constitution."

The administrative work is distributed among five departments, viz: public affairs, public safety, revenue and finance, streets and public improvements, and parks and public property. In cities having but three commissioners the first and second, and the fourth

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and fifth respectively are combined. The mayor is made the director of the department of public affairs. The powers and duties of the various departments and of the subordinate officers and boards are at the disposition of the commission. Any board created may be abolished or officer or employee appointed may be removed at any time for cause after public hearing subject to the state civil service law in cities where that law has been adopted. A maximum salary for mayor and commissioners is prescribed ranging from fifty-five hundred dollars in cities of more than two hundred thousand inhabitants to fifty dollars in those of less than five hundred population.

Every ordinance appropriating money, ordering a street improvement or sewer, or granting a franchise, must remain on file two weeks before final passage, and no ordinance, excepting emergency measures, may be put in force until ten days after its passage. The board of commissioners must publish monthly statements of receipts and expenditures and a summary of its proceedings.

The recall of commissioners is provided upon petition of twenty-five per cent. of the vote cast at the last election. An officer recalled or who resigns while a recall is pending is ineligible to office for one year. The recall may not be invoked against a person until he has held office one year nor may more than one recall petition be filed against the same officer during his term of office.

The initiative and referendum are included in the law. In case the board fails to pass the proposed ordinance, if it has been demanded by fifteen per cent. of the vote at the last election, a special referendum election must be called, or if by less than fifteen per cent. but over ten per cent. it must be voted on at the next regular election. Ordinances so adopted may be repealed only by referendum. Upon protest of fifteen per cent. of the voters any ordinance must be reconsidered by the board and either passed or referred to the people. The board may at any time refer a proposed ordinance or the proposed repeal of an ordinance to popular vote.

At elections under this act nominations are by petition subject to the decision of a non-partisan direct primary. The two highest candidates for each office are placed on the official ballot. A city may revert to the mayor and council system by majority vote at any time after the expiration of six years.

FRANK G. BATES.

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Employment of Women: Massachusetts. Massachusetts has made a record in labor legislation by enacting the first American law prohibiting the industrial activity of women immediately before and after childbirth. The measure which goes into effect January 1, 1912, provides that—

No woman shall knowingly be employed in laboring in a mercantile manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

The countries of Europe have similar regulations, but they also provide "maternity insurance" for the out-of-work period.

Employees' Retirement Act: Massachusetts. One of the most important measures passed at the 1911 session of the General Court is an act providing for the establishment of a retirement system for the employees of the commonwealth. This act embodies the first general plan adopted by any American commonwealth or city for pensioning public employees and it is unique from the fact that it is the only scheme of the kind founded on a strictly actuarial basis. It is not a pension system. It is rather a system of assisted old-age insurance for public employees. Other pension measures for state county and city employees are wholly non-contributory.

Participation in the service is voluntary for present employees. It is compulsory for all employees entering the service of the commonwealth after the date when the retirement system is established, except persons who have already passed the age of fifty-five years and those provided for under special pension acts now in force. No officer elected by popular vote may become a member of the association. Any member who reaches the age of sixty years and has been in continuous service of the commonwealth for a period of fifteen years immediately preceding may retire or be retired by the board of retirement upon recommendation of the head of the department in which the member is employed, and compulsory retirement is required at the age of seventy years. Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which the member is employed, if such action be deemed advisable for the good of the service.

The administration of the system is vested in a board of retirement consisting of the state treasurer, a representative of the employees and a third member chosen by these two or, on failure of this election,

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appointed by the governor, thus providing that the employee not only shares in the expense, but also participates in the administration. The members of the board serve without compensation, but they are reimbursed for expenses or loss of salary or wages. The board of retirement determine the percentage of wages that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and has the power to classify employees for the purposes of the retirement system and to establish different rates of contribution for different classes within the prescribed limits. Employees are to be assessed regularly on their wages or salaries to provide a fund out of which annuities shall be paid to those retired. The percentage of assessment is not definitely fixed in the act, but may vary from one to five per cent. as determined by the administrative board. The employee retired under the act receives an annuity of such amount as his own contributions, duly accumulated with interest, will provide for him according to actuarial computation, and in addition to this, he receives a pension of equivalent amount paid from the state treasury. Provision is made for the supervision and the inspection of the affairs of the retirement association by the insurance commissioner and the superior court shall have jurisdiction in equity.

The scheme embodied in this act is identical in its essential features with that of the retirement act for city and town employees passed by the last legislature. The latter, however, does not take effect until adopted by the municipal council and the voters under a referendum clause, whereas the act for employees of the commonwealth takes effect at once. The acceptance of the municipal retirement act for the city of Boston was opposed last winter by the Boston Finance Commission. The adoption of this retirement system by the commonwealth may have influence in inducing the Finance Commission to reopen the question.

GRACE M. SHERWOOD.

Initiative and Referendum: California. A number of interesting features have been incorporated in the amendment to be referred to the people of California. Among the more striking provisions is one stipulating that initiative petitions may be submitted, at the option of the initiators, either directly to the people or through the legislature. The Oklahoma plan of conferring power upon the governor to call special elections upon initiated measures has been followed. Another feature to be noted is a provision that no law adopted by

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the people shall be subject to amendment or repeal except by a vote of the electors. Laws and amendments of the constitution are placed upon the same basis in that the same process and percentages are required for both. Measures to be submitted directly to the people must be filed with the secretary of state and accompanied by a petition signed by eight per cent. of the number of electors who voted for governor at the last general election. This procedure is essentially the Oregon plan. Measures are referred to the people at the next general election or at an earlier one to be called by the governor.

Initiative meaures to be submitted to the legislature require the signature of five per cent. of the electors and must be filed with the secretary of state, ten days before any regular session. If the measure is not passed within forty days after the legislature convenes it is referred to the people. While the legislature is not permitted to amend an initiated measure or substitute another for it, it may submit another measure at the same election and recommend that it be accepted in lieu of the initiated measure. Acts passed by the legislature may be rejected by the people through the use of referendum. Petitions requesting that measures be referred to the people must be signed by five per cent. of the voters and filed with the secretary of state within ninety days of the final adjournment of the legislature. The filing of a petition for a referendum upon any law holds the law in abeyance until it is ratified by the people. Certain "urgency measures," however, are not subject to this injunction proceeding, those calling elections, those providing for tax levies or appropriations for usual current expenses of the state and those declared by a two thirds vote of each house to be necessary for the immediate preservation of the public peace, health or safety. The legislature has no power to declare any law an urgency measure which affects the salary, duties or terms of any public office, or grants any franchise or special privilege, or creates a vested interest. The referendum may be invoked against part of a law as well as against the entire measure. In this case the portion not objected to remains in operation.

The powers of the initiative and referendum are conferred upon the electors of the counties, cities and towns in a manner to be provided by law but not more than fifteen per cent. of the people may be required to sign an initiative petition nor more than ten per cent., to sign a petition for the referendum.

Should conflicting laws be accepted by the people at an election, the law receiving the greater number of votes is to control in respect

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to the conflicting provisions. This is similar to the Oregon rule on this question. The proposed constitutional amendment prescribes in considerable detail the form petitions shall take and attempts to preclude both the abuse of the initiative or referendum powers through the filing of fraudulent petitions and the undue restriction of the right of petition through hostile legislation. The Oregon plan of mailing to each voter of the state a pamphlet containing the text of all measures with arguments for and against their adoption has been incorporated in this amendment. This feature is, however, subject to change by law.

It will be interesting to observe the operation of the initiative in California and to note whether the method of initiation through the legislature will, because of the smaller petition required be preferred to the Oregon plan of referring initiated measures directly to the people. The latter method is more usual in direct legislation states and requires less time; yet the plan of initiating measures through the legislature has an advantage in that measures are given committee hearings and are discussed in the legislature. Measures are likely to be more carefully drafted if sent through the legislature and the various constitutional inhibitions are less likely to be violated. The two plans will be tried in California under the same conditions and the advantages of each may be noted. The five per cent. petition is lower than in any other state except Missouri where it has been placed at five per cent. by statute. It may be as difficult, however, to secure a petition of five per cent. in California which has a population of two and one third million as a petition of eight per cent. in Oregon where the population is but six hundred thousand.

Most of the direct legislation states refer initiative or referendum measures only at the regular state elections, but the Oklahoma and California plan of allowing the governor to call special elections on initiated measures has much in its favor. The lessening of the power of the legislature through direct legislation by the people will undoubtedly result in the governor's assuming much of this authority, as the chief executive of the state and the head of a political party. The plan of giving the governor a duty to perform in relation to the initiative appears a rational step toward placing upon him a responsibility commensurate with this additional power. As is usual in direct legislation states, the governor possesses no power of veto over laws adopted by the people.

The advisability of the provision for bidding the legislature's

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repealing or amending laws adopted by the people is open to grave doubt. Few laws of sufficient importance to warrant action by the people in their inception can be expected to operate successfully without a slight change. The requirement that every modification in a certain class of laws must be made through the cumbersome machinery of popular legislation is carrying the theory of direct legislation to an absurdity.

This amendment will become a part of the California constitution if it is ratified by a majority of the electors voting upon it at the next general election.

S. GALE LOWRIE.

Initiative and Referendum: Washington. The act recently adopted by the Washington legislature providing for a constitutional amendment granting the powers of initiative and referendum, incorporates the California provision that an initiated measure may be submitted directly to the people or referred through the legislature. Ten per cent. of the number of votes cast for governor at the last general election is required to submit an initiative petition. The procedure under the direct initiative does not materially differ from the Oregon plan.

Measures which are referred through the legislature are not subject to amendment or change but the legislature may submit of its own motion a competing measure and the people may choose between the measures initiated by the people and that submitted by the legislature. The referendum may be invoked upon any law passed by the legislature upon petition of six per cent. of the voters and laws upon which referendum petitions have been filed do not take effect until ratified by the people. Laws for the preservation of the public peace, health and safety, and for the support of the state government and existing public institutions are not subject to the referendum.

No laws which have been passed by the people are subject to amendment or repeal by the legislature for a period of two years. Although it requires but a majority of the electors voting upon a measure to make it a law or part of the constitution the number of voters who favor a measure must be equal to one third of the electors voting at the election in order to institute a valid law.

The provision for state publication of measures to be referred to the people together with arguments for and against their adoption has been incorporated into the constitution. This amendment will

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become a part of the constitution if it is accepted by a majority of the people voting upon it at the next general election.

S. GALE LOWRIE.

Legislative Reference: Nebraska. Nebraska, in continuation of the work already begun by the state historical society, has, this winter, established a state legislative reference bureau. The new bureau is affiliated with the department of political science and sociology and with the college of law of the University of Nebraska. The director is appointed by the board of regents of the university and his tenure of office and rank are similar to that of a professor at the head of a university department. The law distinctly states that training in legislative reference and in knowledge of Nebraska institutions be provided for university students of the above designated departments, with practical experience during legislative sessions. The requirements for the work of the bureau are stated in detail and are similar to those of such bureaus as are already established. Bill drafting is included and a point is made of special service upon municipal subjects for the use of city and village officials and other citizens. The bureau is to be housed with the university except for the months which are immediately devoted to preparatory and actual work with the legislature, when more convenient rooms will be provided by the board of public lands and buildings.

This new department, with its proximity to the university, its definite educational affiliations and aims, its broad scope of work distinctly outlined and the absence of political influence in the matter of appointments, has every opportunity for a future of definite usefulness to the state. To carry on the work for the next two years, approximately $11,000 has been appropriated.

ETHEL CLELAND.

Municipal Charter Revision: Newark. A proposed charter for the city of Newark, which was the result of much discussion among the civic organizations of the city, was presented for the consideration of the New Jersey legislature of 1911. The act, in form a permissive statute applicable to all cities of the first class, failed of passage, but it is believed by its friends that substantial progress was made toward its ultimate adoption.

The "commission" consists of a mayor and four commissioners. The mayor is elected for two years while the commissioners hold

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office for four, two retiring every second year. The mayor receives a salary of not to exceed ten thousand dollars to be determined by the commission. The commissioners receive five thousand each and are required to give bond in the same sum. The commission is invested with all legislative power together with supervisory administrative authority. The proposed act conveys to that body all the powers hitherto exercised by the mayor, council, board of finance, and the various commissioners of streets, water, fire, health, police, play grounds and shade trees, except as specifically elsewhere provided for. Its powers may be grouped as ordinance making, financial and administrative. As an ordinance-making authority its power extends not only to those subjects hitherto mentioned in existing law but certain others specifically mentioned such as the regulation of rates for street railways, electric lights, gas and telephones, the construction and ownership of conduits for wires, the control of traffic and the elimination of grade crossings. As a financial authority the commission levies taxes, borrows money, makes appropriations and fixes salaries. Its administrative power includes a general supervision over the officers of the city and the appointment of comptroller, treasurer, members of the board of assessment and revision, commissioners of assessment, clerk engineer, "superintendents, surveyors, supervisors, clerks and such other employees to aid such commission in the discharge of its duties and the carrying out and performance of the work and labor of the departments and affairs of such city under its government, control and management, as the public interest may from time to time require or as such commission may deem necessary and proper." Such appointments must be made according to the civil service laws of the state.

The mayor is declared to be the chief executive officer of the city. His duty is to oversee, with full power of investigation, the work of officers and departments and is given the power of a police magistrate. He appoints and may remove at will the commissioner of health, the fire commissioner, police commissioner, corporation counsel, superintendent of buildings, board of excise and commissioner of accounts.

This charter appears to be the result of an attempt to secure the essential features of commission government at the same time seeking to preserve the characteristics of the mayor and council system. The result is that eminent success is not attained in either direction. As an example of government by commission it is true

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that the general ticket and the short ballot are secured, but the powers of appointment and removal and of administrative direction are divided between the mayor and the commission. Furthermore the commissioners are not the heads of the several departments. No attempt is made to introduce those frequent accompaniments of the commission system, the initiative, the referendum, the recall and the non-partisan direct nominations. As an example of the older system the manner in which the administrative authority and responsibility is divided defeats any clear delimitation between administrative and legislative organs. The net result is a mayor and council system with the administrative authority more centralized in the mayor than formerly but still seriously weakened by sharing with the council, and a council reduced in number and retaining a share of the administrative power marching under the misapplied title of a "commission."

FRANK G. BATES.

Municipal Charter Revision: Pittsburgh and Scranton. The Pennsylvania legislature, recently adjourned, materially changed the form of the legislative departments of the municipal governments of Pittsburgh and Scranton.

In place of a bicameral council, there is substituted a council of but one house; instead of the old system of ward representation in one house and a form of representation proportional to the number of inhabitants, in the other, ward lines are eliminated in the selection of the new councilmen; instead of sixty-seven men in its council, Pittsburgh now has nine, and Scranton, five; and where previously members of the select council were elected for four years (one half chosen each two years), and those of the common council, for two years, now all the members are elected for four years. The salaries of the councilmen are to be fixed by ordinance, within the maximum and the minimum limits of $6,500 and $2,000 respectively.

The mayor retains the veto power over measures, and is given authority to veto any item or items of appropriation bills. With the approval of the council, he selects the heads of the administrative departments, and retains the power of removing them, by written order, giving his reasons, transmitted to the council. A further method of the discharge of departmental heads embodied in the new plan provides for a formal hearing and trial before the council, presided

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over by a judge of the court of common pleas of the county, and followed by a council resolution of removal.

The number and make-up of the offices of the administrative departments are unchanged by the new law.

The legislature provided that immediately after the passage of the act, the governor, with the approval of the senate, should appoint the members of the council, who are to hold office until the beginning of the terms of the first members elected under the act;—that is, until the first Monday of January, 1912. On June 6, Governor Tener appointed the nine Pittsburgh councilmen.

Prior to the passage of this measure, the united civic bodies of Pittsburgh had for thirteen months been carrying on a campaign for a more efficient and democratic government. They had worked for a non-partisan ballot, and the recall, and the initiative and referendum. In the legislature the first two proposals were thrown out at the outset; while the initiative and referendum provisions were only beaten in the last hours of the contest.

In its abandonment of a bicameral legislative department, in its reduction of the number of councilmen, and in its elimination of ward lines in their selection, the new measure is in line with present day progressive thought. The action of the legislature in refusing to grant to the people of the two cities the reserved powers of the initiative, referendum and recall is directly contrary to the spirit of progressive politics which is making the cities "the hope of democracy," and in the striking out from the original "Pittsburgh plan" of the vital good government features, seems likely to leave that municipality, for two years at least, to be known still, in the descriptive words of Delos F. Wilcox as "the city of smoke and iron, whose existence is purely incidental to the grasping passion of the over-lords of industry."

CHARLES HOMER TALBOT.

Playgrounds. Indianapolis is so far the only city in Indiana which will experience the benefits of the new playground act, as its provisions are limited to cities of the first class. The city board of health and charities is authorized, by this new law to establish, maintain and equip playgrounds, public baths and public comfort stations over which they shall exercise full control, through a commissioner appointed by them, who in turn has the appointment of necessary directors and assistants. These latter, while on duty, have the

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powers of police officers. Ground for the purposes of the act may be leased or purchased by the board of health and charities, which has the power of condemning desired ground. Also the board of school commissioners and the board of park commissioners are authorized to permit the use of the grounds under their control for the purposes of the act. The new playgrounds, baths and public comfort stations are supported by a city tax levy of one-half cent on each $100 of taxables, to be known as the "recreation fund."

ETHEL CLELAND.

Recall: Washington. The legislature of the state of Washington will submit to the electors of that state at the next general election a proposition for amending the constitution to provide for the recall of all elective public officers of the state, excepting judges of courts of record. The details of the recall plan are not embodied in the constitution but are left to be worked out through subsequent statutes. The percentages required for recalls vary with the office in question. The recall of state officers, other than judges, and of senators and representatives, city officers in cities of the first class and of county officers requires a petition of twenty-five per cent. of the votes cast for all candidates for the office in question at the preceding election. Officers of all other political divisions, cities and towns may be recalled only upon petition signed by thirty five per cent. of the legal voters.

S. GALE LOWRIE.

Weights and Measures. Taking the New York law on the subject as a model (*Am. Pol. Sci. Rev.*, Feb., 1911) the Indiana legislature of 1911 enacted an excellent law regulating weights and measures. The system of supervision of weights and measures embodied in the New York law which starts with the United States standards of weights and measures and comes down through the state sealer, county sealer and city sealer, is followed in the Indiana law with certain minor exceptions. The state sealer is known in Indiana as the state commissioner of weights and measures and this office is held by the state food and drug commissioner. The county sealers are appointed by the board of county commisssioners and city sealers by the mayor. The county and city sealers are deputy sealers under the state commissioner of weights and measures and, as in New York, their salaries are fixed by law, there being no fee system. The Indiana law has a section devoted to eligibility of sealers, which is determined

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either by experience or by an examination. The state commissioner may discharge county or city sealers, who shall have the right of appeal to the circuit or superior court of their county. All sealers are made special policemen with powers to act. The new Indiana law does not include the units of length, surface, weight, etc., which are a part of the New York law, and these standards remain the same as provided by already existing statutes.

ETHEL CLELAND.

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NEWS AND NOTES: PERSONAL AND BIBLIOGRAPHICAL.

EDITED BY W. F. DODD.

Associate Professor Charles E. Merriam has been made professor of political science at the University of Chicago.

Assistant Professor Walter J. Shepard of the Ohio State University has been appointed assistant professor of political science at the University of Missouri.

Dr. F. W. Coker of Princeton University has been appointed assistant professor of political science at the Ohio State University.

Dr. J. M. Mathews of Princeton University has been appointed an associate in political science at the University of Illinois.

Hon. George B. McClellan has been appointed to a lectureship on public affairs at Princeton University.

Prof. Frank A. Updyke has been promoted from an assistant professorship to a professorship of political science at Dartmouth College.

Prof. Theodore S. Woolsey, professor of international law at Yale University, has resigned on account of ill health.

Dr. Clyde L. King, until recently instructor in economics and sociology in the University of Colorado, has been appointed instructor in political science in the University of Pennsylvania.

Mr. Thomas Reed Powell will have charge of Prof. Frank J. Goodnow's work at Columbia University during the next year, while Professor Goodnow is serving on the commission on economy and efficiency in the Federal Government.

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Prof. Roscoe Pound of Harvard University Law School has in preparation a volume to be entitled *Sociological Jurisprudence.*

Prof. Bernard Moses, professor of history and political science at the University of California has retired from teaching, and has been succeeded by Prof. David P. Barrows, now professor of education at the University of California and for a number of years director of education of the Philippine Islands.

Mr. R. E. Curtis, fellow in political science in the University of Wisconsin, 1910–11, has been appointed to an assistantship in political science in the same institution.

Prof. Paul S. Reinsch of the University of Wisconsin will attend the Universal Races Congress at London, at one of the sessions of which he will present a paper. Professor Reinsch plans to spend the summer in work in the field of international law. On November 1 he will take up the duties of Roosevelt exchange professor at the University of Berlin where he will lecture through the winter. The subjects of the courses he will offer are (1) The Political Development of the International Position of the United States, and (2) Problems in International Law and Diplomacy in North and South America. During the summer semester Professor Reinsch will act as exchange professor at the University of Munich. He will return to the United States in August, 1912.

Prof. J. W. Garner of the University of Illinois will be on leave of absence next year, and will spend the year in Europe. Professor Garner will leave for Europe in August.

Dr. D. H. Magruder of Johns Hopkins University, Mr. J. A. Estey of the University of Wisconsin, and Mr. J. A. Winston of Austin College, Sherman, Tex., have been appointed instructors in the department of history, politics and economics of Princeton University.

Dr. John Corliss Dunning has been appointed an instructor in the department of social and political science at Brown University. Doctor Dunning is giving courses in political science in the summer session of the University of Wisconsin.

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Prof. James Quayle Dealey is now the head of the department of social and political science at Brown University.

Mr. William M. Leiserson, for several years connected with the Wisconsin legislative reference library and more recently an expert for the New York commission on workmen's compensation, has been appointed librarian of the municipal reference library of Milwaukee.

Mr. O. C. Hormell, who has until recently been an instructor at Clark College, has accepted a position in the department of history and political science at Bowdoin College.

Mr. S. D. M. Hudson, until recently a student in political science at Columbia University, has been appointed associate in political science at Bryn Mawr College.

Mr. R. W. Paterson, a scholar in American History at Columbia University, has been appointed instructor in history and government at Clark College.

Prof. E. S. Corwin of Princeton University has a book almost ready for the press on the *Fourteenth Amendment.*

Miss Mary L. Hinsdale has very nearly ready for publication a work on the *Development of the President's Cabinet.*

Mr. W. L. Bailey of the University of Wisconsin will publish during the summer a volume on *Local Government in the United States,* through the Macmillan Company.

Dr. F. W. Coker, now of Ohio State University, has in preparation a volume of *Readings in Political Philosophy* for the Macmillan Company.

Professor H. J. Ford of Princeton University is preparing a book on the *Organic Theory of the State.*

The Harris Political Science Prizes for 1910–11 offered by Mr. N. W. Harris of Chicago, to undergraduates of univeristies and colleges

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in the States of Indiana, Illinois, Michigan, Minnesota, Wisconsin and Iowa have been awarded as follows: First prize to Miss Marion E. Robbins of Hamline College; second prize to Julius Goebel, Jr., of the University of Illinois; third prize to Miss Anna E. Kjellgren of Milwaukee–Downer College. The topic of the essays submitted in competition for the prizes was: "The Prevalence of Crime in the United States: Its Extent Compared with that in the Leading European States, Its Causes and Best Means of Remedy."

For the year 1911–12, the prizes amounting to five hundred dollars (1st, $250.00, 2d $150.00, 3d $100.00) will be awarded for the best essays upon any one of the following subjects: The Short Ballot, Corrupt Practices Acts, Employer's Liability and Workmen's Compensation. The essays must not exceed 10,000 words in length, must be typewritten, and mailed to Prof. N. D. Harris, Evanston, Ill., on or before May 1, 1912.

Two books on commission government have recently appeared: *City Government by Commission*, by Ford H. McGregor (University of Wisconsin Bulletin, pp. 151), and *Commission Government in American Cities*, by Ernest S. Bradford. (New York: The Macmillan Company.)

A new (fifth) edition of Prof. Paul Laband's *Das Staatsrecht des deutschen Reiches* has been announced.

The Columbia University Press has recently published *The Business of Congress*, by Representative Samuel W. McCall.

Macmillan and Company have recently published Coleman Phillipson's *International Law and Custom of Ancient Greece and Rome* (London, 2 vols.), which presents in a scholarly and exhaustive manner the history of international law for a period which to the present had been very little investigated.

Die Lehre vom Staatenbunde, by G. J. Ebers (Breslau: Marcus, 1910, pp. 316) is a recent volume in the Abhandlungen aus dem Staats und Verwaltungsrecht. Doctor Ebers discusses at some length the theory regarding confederations of states.

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La diète de Galicie, ses tendances autonomiques, by Georges Bienamé (Paris: Rousseau, pp. xix, 259), covers a wider field than that indicated in its title, inasmuch as the author discusses practically all questions concerning the political life of Galicia although he emphasizes the efforts of the Galician diet to obtain greater autonomy. The volume is a careful and satisfactory study of political conditions in Galicia. Special attention should be directed to the discussion of electoral reforms now under discussion in this part of the Austrian empire.

James Love Hopkins in *The Judicial Code* (Chicago: Callaghan, pp. 254) presents an annotated text of the new judicial code of the United States, together with an introduction calling attention to the reasons for the enactment of the code.

Judge Henry G. Connor and Mr. Joseph B. Cheshire have recently issued *The Constitution of the State of North Carolina, Annotated* (Raleigh: Edwards & Broughton, pp. lxxx, 510). The volume is printed in convenient form and the work of annotation seems to be well done.

The Pan American Union, by John Barrett (Washington: 1911, pp. 253), is in the main a souvenir volume describing the new building of the Pan America Union at Washington, and contains little that is of value to students of Latin-America. The volume is well printed and well illustrated, and such information as it contains is presented in an attractive form.

Prof. Bruce Wyman of Harvard University has recently brought out a work on *The Special Law Governing the Public Service Corporations and All Others Engaged in Public Employments* (New York: Baker, Voorhis & Co., 2 vols.). The second edition of Andrew J. Nellis' *The Law of Street Railroads* (Albany: Bender, 2 vols.) deals in part with the same subject, and is of value to students of municipal governments because of its treatment of street railway franchises and the public regulation of street railways.

The Short Ballot Organization has started a small bi-monthly publication entitled the *Short Ballot Bulletin*, the numbers of which contain important notes and information concerning the progress of the short ballot movement.

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The growing interest in the study of comparative law is attested by a decree issued by the French government on July 21, 1910, enlarging the functions of the Comité de Législation Etrangère. The Comité, which has translated many foreign codes into French and which possesses one of the best collections of foreign law in Europe, has for a number of years been housed in the Ministry of Justice. It now comes under the immediate direction of the Minister of Justice and receives a substantial annual appropriation. The functions of the Comité have at the same time been enlarged to cover more definitely the field of international law. It is made the duty of the Comité to undertake work connected with comparative legislation and international law, to furnish public official and administrative bodies information on treaties and foreign laws, and to furnish copies of laws, treaties or documents in the original or in translation. The Comité's work of collecting material on foreign law and of publishing translations of important laws will continue.

The Division of Law of the Library of Congress, under the direction of its chief, Mr. Edwin M. Borchardt, has in preparation a series of critical guides to the legal literature of the leading foreign countries. The first of these guides, to be entitled *A Critical Survey of German Legal Literature* (in about one hundred pages), will be published by the Library of Congress in the near future, and will be followed by similar publications devoted to the legal literature of Austria, France, Italy and Spain. In these guides Mr. Borchardt aims to furnish the Anglo-American lawyer with an introduction to foreign law. The general divisions of foreign legal systems are described and attention is directed to the important literature in the several fields of private and public law. The guides should be of great assistance to students of comparative law.

At the meeting of the Association of American Law Schools in August, 1910, a committee was appointed to select and to supervise the translation of the leading foreign works on jurisprudence and the philosophy of law. This committee, which is composed of Professors Wigmore, Freund, Pound, Huberich, Lorenzen, and Kocourek, thus has the task of carrying out a project very similar in purpose to that undertaken by a committee appointed in 1909 to edit a series of works devoted to continental legal history; and in fact Professors Wigmore, Freund, Huberich, and Lorenzen are members of both

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committees. The *Modern Legal Philosophy Series*, projected by the committee above referred to, will consist of twelve volumes and will be published by the Boston Book Company. The following volumes have been selected for translation: *Filosofia del diritto*, by Luigi Miraglia; *Die Kulturstufe der Rechts- und Wirtschafts-philosophie*, by Fritz Berolzheimer; *Lehrbuch der Rechtsphilosophie*, by Josef Kohler; *Der Zweck im Recht*, by Rudolph von Ihering; *Modern French Philosophies of Law*, by Professors Fouillée, Charmont, Duguit, and Demogue; *Il Concetto del diritto*, by G. del Vecchio; *Filosofia del diritto*, by I. Vanni; *Die Lehre vom richtigen Rechte*, by Rudolf Stammler; *La philosophie de l'histoire du droit*, by P. Tourtoulon. In connection with this projected series it should be mentioned that the Boston Book Company has already within the past two years made available to English readers two important foreign books in the field of legal philosophy: Korkunov's *General Theory of Law*, translated by W. S. Hastings (Boston: 1909, pp. 524); and Gareis' *Introduction to the Science of Law*, translated by Albert Kocourek, with an introduction by Roscoe Pound (Boston: 1911, pp. xxxix, 375).

Thomas S. Blair's *Public Hygiene* (Boston: Gorham Press, 2 vols.) contains chapters on state and local boards of health, quarantine, pure foods and drugs, and public works. These parts of the work are not well done, but may be of some value to students of public health administration.

In 1909 Prof. Edward G. Browne of the University of Cambridge published a *Brief Narrative of Recent Events in Persia*. This brief monograph has now been followed by an extended work on *The Persian Revolution, 1905–09* (Cambridge University Press: 1910. pp. xxxvi, 470). Professor Browne's intimate acquaintance with Persian affairs makes his careful discussion of the revolutionary movement in that country a work of great value. In an appendix, English translations are given of the Persian constitution and organic laws.

The Internationales Institut für Bibliographie der Rechtswissenschaft of Berlin, whose bibliography of law has heretofore included the legal literature of practically all the European countries, has now added Anglo-American literature to its material. The bibliography, under the title *Bibliography of Legal Science*, will now be issued in an American

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edition. Besides the continental literature, all English and American legal periodicals are excerpted, and short précis of articles with obscure titles are appended. The first number of the American edition will include the months of January to May, 1911, inclusive; hereafter the issues are to appear monthly. The American editor is Edwin M. Borchardt, law librarian of the United States Supreme Court; the assistant American editor is A. S. Gitterman.

The Macmillan Company have issued in separately bound form the first part of Professor Macy's *The English Constitution*, dealing with "The Nature of the Constitution." (New York: 1911, pp. 113.)

A second edition of Judge Emlin McClain's *Constitutional Law of the United States* (New York: Longmans, Green & Co., 1910, pp. 438) has appeared. The changes in the text of the older edition are not considerable. The more important of the recent discussions of the Supreme Court are noted, but not adequately.

An important document is the report made on December 5, 1910, by a committee on the reform of the Italian senate (*Per la riforma del Senato*. Rome: 1911, pp. 123). In this volume may be found a good deal of valuable information regarding the history, organization, and powers of the Italian senate, together with proposals for the reorganization of that body.

In April the Librarian of congress transmitted to the United States Senate a special report on *Legislative Reference Bureaus* (62 Cong., 1st sess. Senate Doc. No. 7, pp. 36). This report is of value as collecting the laws of the several states establishing legislative reference bureaus, and as indicating the nature of the work of such bureaus.

A publication of value to those who care to follow the activities of the legislative bodies of foreign countries is the *Bulletin analytique des principaux documents parlementaires étrangers* which has for several years been published at frequent intervals for the use of the French Chamber of Deputies. The *Bulletin* analyzes documents submitted to legislative bodies in other countries, and often presents the text in full of proposed laws submitted to such bodies. Beginning with 1911 it also publishes a chronological statement of discussions and actions in foreign legislative bodies. Nine numbers of this *Bulletin* were issued during the year 1910.

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In the May number of this REVIEW reference was made to several reports of state commissions on employers' liability. Recently several other reports have been submitted: *Report to Legislature of Minnesota Employes' Compensation Commission* (January, 1911, pp. 289, xiv); *Report of New Jersey Commission on Employers' Liability* (91 pp.); *Employees' Compensation Code Reported by Employers' Liability Commission of Ohio* (Columbus: 1910, pp. 117), together with *Minutes of Evidence* (Columbus: 1911, pp. 443). A document bearing upon the same subject is that on *Industrial Accidents and Employers' Liability in Minnesota,* by Don D. Lescohier, published as Part II of the twelfth biennial report of the Bureau of Labor, Industries and Commerce of the State of Minnesota (pp. 125–324). With the Ohio report on employees' compensation code is included a report on fatal accidents in Cuyahoga County for the period 1905–10. The appointment of a commission on employers' liability has recently been authorized in Michigan.

A subject closely connected with that of employers' liability is that of preventing accidents and industrial diseases. By resolutions of the Illinois legislature, adopted in 1907 and 1909, the governor of that state was authorized to appoint a commission on occupational diseases. The report of this commission has now been issued (Jan., 1911, pp. 209) and constitutes an important contribution to the literature of the subject. It may be of interest to suggest that legislation recommended by the commission was enacted at the recent regular session of the legislature of Illinois.

In connection with the movement for the conservation of natural resources much valuable information may be found in a *Report of the Committee on Water Powers, Forestry, and Drainage* of the Wisconsin Legislature (Madison: 1911, Parts I and II, pp. 779). This committee has collected a great deal of information concerning conditions in Wisconsin, and a series of elaborate briefs present the legal aspects of the subject. The committee recommended, among other things, the creation of a permanent conservation commission and that the state railroad commission be given control over the grant of franchises for the use of water power. A series of bills present in concrete form the recommendations of the committee.

Among documents recently issued by the several states, the following may be mentioned as of some importance to students of political

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science: *Digest of the laws relating to the Board of Public Charities of Pennsylvania* (Harrisburg: 1910, pp. 148); *Codification of the Election Laws of Pennsylvania* (1910, pp. 173); *Constitutional Provisions, Statutes, and Public Regulations Governing Railroads and other Common Carriers in the State of Virginia* (Richmond: 1911, pp. x, 131).

The movement for proportional representation in France has caused the production of several important documents, not the least valuable of which is the recent report made to the Chamber of Deputies by its committee on universal suffrage. (*Rapport sur l'élection des députés et tendant à établir le scrutin de liste avec représentation proportionnelle.* Chambre des Députés. Session de 1911, No. 826.) This report, which was presented by M. Arthur Groussier, contains a full discussion of the general principles of proportional representation, an account of the working of the system in Switzerland and in Belgium, a critical discussion of the various proposals which have peen presented for the consideration of the French Chamber, and the project of a law. The value of the report is increased by the full bibliography of proportional representation which appears in one of the appendices.

The *Report of the Dominions Department of the Colonial Office for 1910–11* has been issued (London: 1911, pp. 185. [Cd. 5582]). This is the second annual report of the Dominions Department, and the series is one which will be indispensable to those who wish to keep in touch with the British self-governing colonies. It is hardly necessary to say that Sir Charles P. Lucas, the head of the department, is rendering valuable service in his new position. The report for 1910–11 contains a full review of the political and legal developments in the several dominions during the past year. A particularly valuable part of the report is that in which are collected the more important laws of the self-governing colonies passed during the period covered. The report for 1910–11, for example, contains the text of the Canadian "Combines Investigation Act" of 1910, and of the New Zealand "Commercial Trusts Act" of the same year.

Die Geschäftsordnung des Abgeordnetenhauses des Reichsrates, by Karl and Otto Neisser (2 vols. and supplement. Vienna: Braumüller, 1909), is primarily a collection and guide to the rules of order of the Austrian house of representatives, with a brief introductory history of parliamentary rules in Austria. The first volume of the

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work, however, contains the text of the standing orders of the English House of Commons, and the rules of order of the German Reichstag and the French and Belgian Chambers of Deputies. The English, French and Belgian texts appear both in the original languages and in German translation.

The Political Development of Japan, 1867–1909, by George Etsujiro Uyehara (London: Constable, 1910, pp. xxiv, 296), is a doctoral dissertation submitted at the University of London. Doctor Uyehara traces the development of constitutional government in Japan, and gives the best account available in English of the working of the Japanese government. The chapter on "the Ministry and the Political Parties" is particularly valuable, although the book as a whole cannot be said to show a high degree of political insight. An appendix contains the text of the official English translation of the Japanese constitution. In this connection it may be suggested that the *Revue de l'Institut de droit Comparé*, Vol. III, pp. 1–57 (1910), prints annotated French texts of the constitution and principal organic laws of Japan; the translations into French, have, however, been made from English texts, not from the Japanese.

The fourth volume of *La Vie Politique dans les Deux Mondes*, edited by Prof. A. Viallate and M. Caudel (Paris: Alcan, 1911, pp. 622), has appeared covering the period from October 1, 1909, to September 30, 1910. The other volumes of this valuable annual have been noticed in earlier issues of the REVIEW, and it is only necessary to say that there have been no essential changes in methods or scope. It may be mentioned, however, that, in addition to the chapters dealing separately with the different nations or groups of nations, there is a short introductory chapter dealing with international politics, contributed by André Tardieu, and also chapters dealing generally with international acts, economic life, the socialistic movement, and the great international conferences, the last being from the pen of Doctor Renault. The continuity of the series is maintained by references in each volume to the preceding volumes in which earlier phases of the subjects have been discussed. An adequate index and an analytical table of contents are provided.

Administratively viewed, there can be no question but that our state governments are far from effectively organized, in this respect being

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far inferior to the federal system. Recent years have witnessed an increased appreciation of this fact not only by scientific writers in the field of political science, but by high officials in our public service. From the published utterances of these publicists and officials Prof. Paul S. Reinsch of the University of Wisconsin has selected material for a volume of *Readings on American State Government* (Boston: Ginn & Co., 1911, pp. 473). The reprints are arranged under the following heads: The Governor, The Legislature, The Judiciary, The Commercial Law, State Administration, Education, Prohibition, Elections and Nominations, and Constitutional Conventions. A bibliographical note is appended. Excellent judgment has been shown in the choice of material, and the volume should be of great value to instructors and students, and, it is hoped, will tend to increase both public and academic interest in this most important subject. The volume is uniform in appearance with the editor's earlier volume of *Readings on American Federal Government.*

Mr. Hugh Edmond Egerton, Beit professor of colonial history at Oxford, has published a volume entitled *Federations and Unions Within the British Empire* (Oxford: Clarendon Press, 1911, pp. 32), containing the texts of the various acts of parliament and other historic documents which are, or were intended to serve as, instruments of government. These include the New England Articles of Confederation of 1643, Penn's Plan of Union, Franklin's Albany proposals, the British North American Act of 1867, the report of the Privy Council on the proposed Australian constitution, the Commonwealth Act of 1900, and the Union of South Africa Act of 1909. Valuable explanatory notes are added to these texts, and an excellent historical and critical introduction of a hundred pages supplied. A brief bibliography is also provided. In the conclusion of his introduction, Professor Egerton, after pointing out that the British Empire has reached a stage of development at which its component parts consist of communities with most of the attributes of independent states, declares: "The most keen-sighted of imperialists now recognize that what is necessary is a federation of nations, not of provinces. In this state of things past precedents count for very little; and a new form of constitution must needs be evolved to meet a condition of affairs wholly new. A consensus of opinion seems to regard the Imperial Conference as the point of departure, from which may be evolved a more systematic organization of the Empire."

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LIST OF DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE.

A list of doctoral dissertations in progress in the field of history is annually issued by the Department of Historical Research of the Carnegie Institution, and a similar list for political economy is annually published, the list of dissertations in political economy for 1911 appearing in the *American Economic Review* for March, 1911. In one or the other of these lists may be found most of the dissertations of interest to students of political science, but a number of political science dissertations are included in neither of these lists. On this account it has been thought well to publish the following list, which has been compiled partly from responses received from the several universities, and partly from the published lists of historical and economic dissertations. A date where given after the dissertation title indicates the probable date of completion. For the year 1910 a list similar to that given below appeared in the August, 1910, number of this REVIEW. (Vol. IV, p. 421.)

BROWN.

FRANK E. LAHEY, A.B. Brown, 1894; A.M. 1900. History of Crime in Rhode Island.

L. B. SHIPPEE, A.B. Brown, 1903; A.M. 1904. The Constitutional History of Rhode Island, 1775–1842.

BRYN MAWR.

M. S. MORRISS, A.B. Woman's College, Baltimore, 1904. Maryland under the Royal Government, 1689–1715.

CALIFORNIA.

WILLIAM CHARLES FANKHAUSER, A.B. Pomona, 1909; A.M. 1910. Financial History of California. 1912.

W. C. WOODWARD, A.B. Pacific, 1898; B.L. Earlham, 1899; M.A. California, 1908, Ph.D. 1910. The Rise and Early History of Political Parties in Oregon.

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CHICAGO.

C. A. DYKSTRA, A.B. Iowa, 1903. History of Suffrage in the United States.

FREDERIC B. GARVER, A.B. Nebraska, 1909. History and Critical Examination of the Taxation System of Illinois.

CLEO HEARON, Ph.B. Chicago, 1903, Ph.M. 1909. The Secession Movement in Mississippi.

D. T. HERNDON, B.S. Alabama Polytechnic Institute, 1902, M.S. 1903. The Secession Movement in Georgia in 1850.

H. A. MCGILL, A.B. Butler, 1902. The Congressional Caucus.

J. R. ROBERTSON, A.B. Beloit, 1904. The Republican Party in Illinois, 1854–1872.

SAMUEL R. WEAVER, A.B. McMaster, 1910. The Taxation System of Canada.

COLUMBIA.

THOMAS A. BEAL, A.B. Utah, 1906. The Valuation of Franchises. 1911.

M. L. BONHAM, JR., B.Litt. Furman, 1900; A.M. Columbia, 1910. The British Consuls in the Confederacy.

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BOOK REVIEWS.

Railroad Traffic and Rates. By E. R. JOHNSON and G. G. HUEBNER. (New York: D. Appleton and Company, 1911. 2 vols. Large 12mo., with forms, Maps and Charts. Pp. xvi, 524; x, 448.)

These are two handsome, well printed and well bound volumes, containing seven parts that treat of the following subjects: Volume I.—The Traffic of American Railroads; The Freight Service, Its Organization and Management; Freight Classification and Rates. II.—The Organization and Management of the Passenger Service; Passenger Classification and Fares, The Express and Mail Services; The Federal Railway Rate Act of 1910. This wide-ranging table of contents awakens the hope that a work has at last appeared from which the student of transportation can learn not only the mechanism of the traffic department but its why and wherefore, from which he can obtain an all-around knowledge of the principles and practice of rate adjustment. It would seem from the preface that this is the purpose of the authors.

The manner of expression is lucid and concise, and but little fault can be found with the sequence of the topics; but as page after page is read the seeker for fundamental information seldom finds that his thirst is quenched. Chapter after chapter contains reproduction in reduced facsimile of forms and blanks, strung together with narrative stating who fills in the blanks and the routine of their disposition, but nowhere is there more than an indication of the long and laborious travail which has found fruition in the highly developed mechanism of which waybills, bills of lading, tracers, reports of freight received and freight forwarded, local tickets, interline tickets, and auditors' reports are but symbols.

The authors instance the traffic organizations and parts of the traffic and accounting procedure of two or three of the principal railway systems without even discussing the differences in the framework of these organizations. The chapter entitled "Terminal Freight Service" affords opportunity which has not been embraced for an

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instructive discussion of problems which have become among the most serious with which not only the operating but the traffic department has to contend. The chapter entitled "Freight Classifications and Tariffs" is not illuminated with a single concrete example of the difficulties which have perplexed classification committees; and the chapters on "Rate Making" are likewise devoid of illustrations of every day difficulties in rate adjustment.

Here and there, however, is a presentation of development as well as of status; such are the chapters on fast freight lines and the rate structures of the different regions.

It is to be regretted that there is an occasional downright error. For example, it is said that "the unit to be used in comparing the total freight services of one railway system with those of another, or of the railroads of different countries, is the freight ton mile—one ton of freight moved one mile." Comparison on this basis alone would be inadequate in that it would not take into account miles of line, density of population or character of traffic. It is stated that "railway companies limit the activities of the passenger department to the transportation of passengers and their baggage," while the fact is that the passenger department has next to nothing to do with the actual transportation of passengers. That duty devolves upon the operating or, as it is sometimes called, the transportation department.

In the treatment of the passenger service not one word is said of the American Association of General Passenger & Ticket Agents, which, among other things, has brought about a certain desirable uniformity in interline tickets and fostered experiments which led to the production of the "safety paper" upon which these tickets are printed. But the briefest reference is made to the division of the revenue obtained from the sale of an interline ticket among the different companies over whose lines it reads, a subject of the utmost importance and of such varied ramifications that a "rate and division clerk" must serve an apprenticeship of years. The chapter devoted to the Pullman Company is fairly comprehensive, but under the caption "Early Development" no reference is made to the "Diamond Cars" in service for a short time on what is now a branch of the Erie Railroad, although it was the discovery of the antecedent patents on these cars which is said to have been the cause of the sudden and mysterious close of the litigation a generation or more ago between

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the Pullman and the Wagner Companies as to the priority of their respective patents.

It must not be inferred, however, that these volumes are without usefulness. The authors have given to the work time and energy. They bring together a variety of information such as has not before been collected between the covers of a single work. They do not, however, fulfil the purpose expressed in the preface of providing railway men with information "as complete as practicable, regarding the intricate and detailed work of those who have to do with railroad traffic and with rate making." They present a series of photographs of things as they are, with almost an utter absence of that analysis which indicates why they are. As an attendant at one of the travel picture lectures, that have attained popularity in recent years, may spend a pleasant evening and come away with a greater number of impressions of the country of which views thrown upon the screen have been connected by the lecturer's simple and pleasing narrative, so also may the novice gather from these books on Railroad Traffic and Rates a wider information than was his before lifting the top cover. The ideas thus gained may stimulate his desire for broader and deeper information, and this to be sure is the main benefit of all reading. The work is provided with an index and there is a list of references at the end of each chapter.

LOGAN G. MCPHERSON.

The State and the Doctor. By SIDNEY and BEATRICE WEBB. (New York: Longmans, Green and Co. Pp. xiii, 276. $2.00.)

In this volume Mr. and Mrs. Webb have amplified and put into convenient form much of what was included in those sections of the Minority Report of the Poor Law Commission which dealt with the sick, with birth and infancy and with out-door relief. The "State and the Doctor" goes beyond Mr. and Mrs. Webb's earlier work, however, in that they include in their investigations the health departments of the municipal authorities, and also to some extent the voluntary and endowed hospitals which are in any degree under the control of the State. The result of these investigations cannot be wholly conducive to the Englishman's pride in his genius for self-government. Bumble, blunder and muddle are written large on almost every page of this indictment of English health administra-

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tion, and in face of such lack of system, such confusion of authority, and such conflict of principle, it is truly marvellous that so much progress has been made in the governmental care of the health of the English people.

Mr. and Mrs. Webb's chief indictment is, as might be expected, of the poor law principle of destitution as the necessary condition of relief of the sick. With an expenditure of over twenty-two million dollars a year and with the help of 3,713 district medical officers—or poor law doctors—for England and Wales, the poor law authorities can do nothing at all for the prevention of disease. They cannot seek out curable cases in the incipient stages, and make it their object to reinstate the patient in health and economic independence. No man or woman can be made a pauper by such action of the authorities; even if it were possible that such action should be taken by bodies whose traditional attitude is one of deterrence. The poor law authorities only commence their dealings with a man or woman when destitution has set in. They can then take the destitute patient into palatial hospitals, and administer the most expensive medical and surgical treatment; but the moment the patient is reinstated in anything like health and is discharged from the hospital he passes out of their ken. No after care is bestowed on him. The authorities have no power to discipline him in good habits. He is free to return to the squalor and vice that may have caused his sickness, and to relapse after an interval of weeks or months into a still worse condition of health; when, destitution having again set in, he will return to the care of the poor law authorities. There is no blame in this volume for the poor law authorities in the performance of their Sisyphean task. It is the principle on which sickness among the poor is treated to which the authors are opposed, and not the agents who carry out the treatment. And they find it the more easy to attack this principle, because side by side with the poor law there has grown up in England another municipal service, worked upon a wholly different principle and achieving quite other results. This is the health authority which was constituted in the first place in the middle of last century to take charge of such elementary matters of sanitation as the removal of filth and the abatement of nuisances.

The sanitary authorities in England and Wales employ 1,380 medical officers of health who have under them several thousand sanitary inspectors and other officers. The health officers work entirely without coöperation with the district medical officers of the

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poor law authorites, and often in antagonism with them. The health authorities are not concerned with the relief of destitution. Their duty is to maintain the health of their districts and of the inhabitants thereof. For this purpose they maintain isolation hospitals for contagious diseases and compel the notification of such diseases. They maintain over seven hundred hospitals in England and Wales —chiefly for smallpox, scarlet fever, enteric fever and diphtheria; and under modern conditions the list of diseases treated by the health authorities is constantly growing. As the object of the health authorities is to prevent the spread of disease, and to reinstate patients as speedily as possible in health, hospital treatment is usually free—always free, without chargeability to relatives, to those who cannot afford to pay and yet who are not paupers. Along with the medical treatment, however, the health authorities can and do exercise discipline over home conditions and habits. They compel the abatement of nuisances and the cleaning up of the homes. They enforce parental responsibility for the care of the children, while they offer help and instruction to the poor and ignorant mother. They can take the incipient cases of tuberculosis, and, as a health precaution for the community, treat the patient either at home or in a sanitarium. They are, in fact, health authorities, and their main object is always the health of the people. Curiously enough, the province of the health authorities appears to stop just where it is most needed. The hard-working, respectable citizen is not usually the greatest danger to the health of the community. It is the half-starved, destitute family that is the greatest menace, and as soon as a family becomes destitute it becomes the duty of the poor law authority to take charge of it. Medical relief granted to the destitute not only has the limitation already indicated; but it may be granted on loan, and in any case the cost may be recovered from relatives. The result is that even for infectious diseases the health authorities only take pauper patients under voluntary arrangements with the boards of poor law guardians. Hence, to quote Mr. and Mrs. Webb, "It happens that the pauper, lying in the general ward among non-pauper patients who are admitted free, remains a pauper; he is liable to repay the full cost of his maintenance; he is disqualified for the franchise; and his relations are liable to contribute. Thus we have the paradox that, under the present conflicting jurisdictions of the poor law and the public health authorities, it is in respect of the most destitute of its patients that the public health authority recovers most; whilst,

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when such most destitute patients or their relatives contribute—being perhaps the only patients who contribute at all—they nevertheless remain paupers subject to a stigma and to disqualifications from which those patients who are maintained and treated wholly free of charge are entirely exempt."

The evidence compiled by Mr. and Mrs. Sidney Webb is quite sufficient to prove their case that present conditions need drastic reform. Extravagance, overlapping and friction are all characteristics of the incompatibility between the poor law care of the destitute sick and the activity of the municipal health departments. One or other of these conflicting authorities must go, and the question is, shall the poor law authorities take over the duties of the health officers, or shall there be created a united Public Medical Service which shall have sole control of the health of the community whether the individuals concerned be destitute or not. Mr. and Mrs. Webb contend strongly for the latter alternative, with the addition of a new Government Department in London to be known as the Public Health Department, which shall collect statistics, receive reports, exercise some supervision and be ready with advice and assistance. The aim of the new authority would be the health of the community. Mr. and Mrs. Webb do not recommend that the services rendered to individual citizens should be free, in the same sense as education, the public parks or police protection is free. They recommend that Parliament should establish definite rules of chargeability, according to income and service rendered. But they show that apart from such payment, the service rendered by the health department has no pauperizing effect; but that "on the contrary it positively promotes physical self-control, stimulates self-maintenance, and increases the consciousness of parental responsibility." Whether or not the English nation accepts the conclusions of Mr. and Mrs. Webb's latest contribution to political science, the book must mark a definite advance in local government in England. The mere publication of the facts as regards the present conflict of authorities makes it impossible for the muddle to be calmly endured, and if there were not a single recommendation in the "State and the Doctor," it would still be of immense value for the careful and authoritative presentation of conditions as they exist in regard to these important branches of the public service.

A. G. PORRITT.

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Democracy and the Party System in the United States: A Study in Extra-Constitutional Government. By M. OSTROGORSKI. (New York: The Macmillan Company, 1910. Pp. 455.)

This book is an abridgement of the second volume of Ostrogorski's Democracy and Political Parties published in 1902. For the most part the work has been done by simply leaving out about one half of the material of the earlier volume and adding only such words and phrases as are required to make the proper connection, though in a few places new paragraphs are inserted by way of recognition of recent developments in party conflicts, and passages are added dealing with primary elections, the initiative and referendum, the recall and the commission form of city government. At the end of Chapter XIV several new pages appear descriptive of certain changes in party leadership effected by President Roosevelt and Mr. Hearst and the accompanying great civic revival.

The abridgement is much more readable and interesting than is the larger work. Freed from that excessive reiteration of essentially the same idea which marred the original volume, it fulfills a real need and should be widely read. Its appearance is, in a sense, timely. At no time since the Civil War has our party system been in a state of such hopeless confusion as now. As a dual party system it is not now working effectively, since each of the nominal parties is divided into opposing factions. Between the old parties there are no clearly definable issues and large classes of our citizens have become distrustful of the system. There are at hand also available substitutes for party government. If now it should come to pass that the dual party system both in the United States and in England should collapse and democracy should become permanently adjusted to other and more effective forms of action, then M. Ostrogorski would almost inevitably be looked upon as an inspired prophet of a new and better order. Among the many critics of the party system no other author has devoted to it a quarter of a century of such elaborate and painstaking study, and no other has arrived at such an assured conviction that in the interest of democracy party government should be eradicated root and branch. If, however, as is more probable, party government shall continue for an indefinite future, it still is a decided advantage that its weak points be exposed by such a profound scholar and sympathetic student as is M. Ostrogorski. To his lasting credit it should stand that he was among the first of the students of politics

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to give proper emphasis to dynamic forces as against static institutions; and still further, he it was who actually hit upon the party system as furnishing the most available material for the study of political dynamics. Before the appearance of Bryce's American Commonwealth Ostrogorski had begun his profound and searching investigations into the party method of government as seen in England and America, and was publishing their results.

To this task he brought the high ideals of the impartial scientific observer. We read in his preface his opinion that a knowledge of political forces is to be acquired "in the same way that the forces of nature are ascertained; both of them are apprehended only in a state of motion which must be observed." We may well believe that our author exercises the scientific spirit and observes the scientific method in the recording of the things which he actually saw and heard. But in dealing with opinions, motives and purposes, things which he never saw either in motion or at rest, he is not at all scientific. He brings to his work a strong anti-theological bias; he vastly over emphasizes the likeness of a political party to a church; and his writing is itself an example of the same political or theological method which in theory he seems to condemn. His temper and manner are those of an advocate rather than a scientific expositor. Thus might speak an inspired prophet to whom had been revealed a clear vision of a future and more perfect democracy entirely freed from the trammels of the party system. The contrast in style between the political advocate and the scientific expositor may be clearly seen by comparing Ostrogorski's writings with Bryce's American Commonwealth. Mr. Bryce maintains the scientific spirit both in the recording of facts and in the formation of opinions. He consciously refrains from reaching permanent conclusions. He did indeed bring home from his first visit, eighteen years before he wrote, "a swarm of bold generalizations." But half of these he threw overboard upon his return ten years later. Again, on a third visit, his conclusions were still further depleted. . . . While writing the book a hundred times he became disheartened on account of the facts he was recording. A hundred times the recollection of other facts chased away these tremors. Mr. Bryce distinctly determined not to become an advocate, but rather to enter into the life of the nation to the extent of his ability and make full and accurate report of his experiences. If the time should ever come when this method is all

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that political exigency requires, when advocacy and persuasion are no longer needed then we may agree with Ostrogorski that the party system is an anachronism.

JESSE MACY.

The Conflict of Color. By B. L. PUTNAM WEALE. (New York: The Macmillan Company, 1910. Pp. 341.)

In this his latest volume Mr. Simpson undertakes a more ambitious task and covers a wider field than in his former publications. It is no less than a philosophy of history and an analysis of world-wide racial relations that he attempts. He combats the narrowness of the ordinary European historic view; to him in the past, as it will be in the future, contrasts of color are the really fundamental facts in history. The book begins with a general introduction of nearly one hundred pages in which the author, basing himself upon Allison, Lodge, and more especially on Mahan, develops his historical philosophy which he summarizes as follows "By his conquest of the sea, the white man gathered wealth from far and wide and shook off his provincialism. Knowledge naturally followed; with knowledge came power; and this power led to his world dominion." The author also believes that the equality between Europe and Asia which once existed will surely be reëstablished. While it is of course impossible for the author to touch any subject without illuminating it, the value of this long introduction is open to doubt. Outside of the idea of the persistent equality of Asia and Europe no new thought is advanced, and the chapter is full of statements in which a desire for picturesqueness leads to curious distortions of fact. Thus the statement that "Confusius had been teaching for many years before Athens and Sparta were even mud villages" gives rise to a suspicion that the author has not given very serious attention to Greek history and development. He certainly undervalues the importance of the Greek element in European civilization. That Greece was the country where humanity first became conscious of itself, where political individualism first appeared, though with the accompaniment of slavery, is nothing to the author; and the destinies of Europe seem to him not to have been involved in anything the Greeks did. A great many judgments are pronounced in this chapter which would not readily be adopted by historical scholars. Incidentally

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it is stated that the Monroe Doctrine did not render the American continent immune from fresh European interference, but that this was due to the action of England herself and to the course of her over-sea development.

When the author leaves historical generalization and takes up the analysis of present racial conditions, his old time mastery does not fail him. In his view political color prejudice is the most important fact in international life today. The white race having, chiefly through the colonizing genius of England, gained control over by far the greater part of the surface of the globe, is now beginning rigorously to exclude other races from the portions thus preëmpted. The yellow race though equal in size to the white is confined to the comparatively narrow limits of the Far East. The author is far, however, from giving an alarmist interpretation to these facts. He believes that nations are too firmly rooted in their soil to make mass migrations possible in the future. He is perhaps too optimistic when he declares that "the future of the entire American continent is now definitely settled," and, incidentally, he does not take into account that the greater part of Peru is climatically not in the torrid zone. But though the mass invasions need not be feared according to the author, the boundaries between the territories occupied by the different races have not as yet been definitively fixed, and it is here that the difficulties and struggles of the future will find their cause. The author's analysis of the position of Japan is very acute. He feels that the great success of Japan has to a certain extent placed her in a false position, obliging her to follow a policy of expansion along lines that are somewhat unnatural. The second Anglo Japanese treaty seems to him a great mistake on the part of England, and "the whole outer problem for Japan is to hold the white powers grouped against one another, more or less as they stand at present, whilst cautiously she tightens her hold on China." In treating of India, the author accepts John Stuart Mill's dictum that "such a thing as government of one people by another does not and cannot exist," and the net result of his analysis is that ultimately large concessions will have made to Indian nationalism.

PAUL S. REINSCH.

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The American Commonwealth. By JAMES BRYCE. (New York: The Macmillan Company. 1910. Two vols. Pp. xv, 742; vii, 962.)

On comparing this edition with the one last preceding it—the third edition, published in 1894—it appears that no change has been made in the plan or scope of the work, and the views and conclusions of the author remain as before. It says much for the sagacity of the opinions originally expressed that further observation and experience should have developed no occasion for substantial correction. At the same time the work has received thorough revision, evidences of which may be found in nearly every chapter, but the changes relate mostly to statistical data, so as to bring them up to the present time. Chapter for chapter, the new edition is of the same tenor as the old, except with respect to new material readily distinguished. Chapter XXX on the "Merits of the Federal System" is enlarged by means of "a supplementary note," extending over two pages and constituting an important addition. The Appendix to volume 1 in the old edition included "the Federal system of the English Universities," and also "Specimens of Provisions in State Constitutions limiting Taxing and Borrowing Powers." These are omitted in the new edition, but new matter is included in the shape of "Extracts from the Constitution of the State of Oklahoma." In the 2d volume, Chapter LX on "The Machine" is enlarged by a note over three pages long on "Recent Legislation regarding Primaries," and chapter LXXV on "What the People Think of It," has a supplementary note covering two pages on "the growth of party." Three entirely new chapters have been introduced in part V, entitled "The Latest Phase of Immigration," "Further Reflections on the Negro Problem," and "The New Transmarine Possessions." A new chapter entitled "Further Observations on the Universities" has been introduced in Part VI, devoted to the consideration of social institutions. These changes and additions much enhance the value of the book, but the conclusions are not altered thereby. This will appear on attentive consideration of the weighty chapter in which Mr. Bryce gives his opinion on "the Future of Political Institutions." Changes appear in a number of paragraphs, but they do no more than sharpen the opinions first made public twenty years ago. Perhaps the most significant of these additions appears in the sentence predicting that the time will come when "the chronic evils and problems of old

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societies and crowded countries will have appeared on this soil." Here the sentence ends in the old edition; in the new it continues as follows:—"While the demand of the demand of the multitude to have a larger share of the nation's collective wealth may well have grown more insistent." The remark notes a sign of the times that portends a new pressure upon our political institutions which is already manifesting itself and which must deeply affect constitutional development. The existence of such a shrewd commentary upon the situation in all its details as is supplied by Mr. Bryce's great political classic is of inestimable value in promoting sound thought and sensible action.

HENRY JONES FORD.

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BRIEFER REVIEWS.

The National Land System, 1785–1820. By Payson Jackson Treat, Ph. D. (New York: E. B. Treat & Co., pp. 440.) The purpose of the book is to describe the origin of the public domain and by analysis of every form of disposition which was in use down to 1820 to show how the national public lands passed into private ownership. The period treated is regarded as a formative one and as constituting the first great period in the history of the national land system, for by 1820 the public domain had been formed, the land system had been organized, the granting of land for education and for military services had been introduced, and grants for internal improvements had been discussed, while the method for confirming foreign titles had been well worked out. The credit system was, moreover, a marked feature of this period.

The origin of the public domain is traced to the negative action of Maryland in refusing to ratify the Articles of Confederation unless the claimant states ceded their Western lands to the United States, and to the positive action of New York in so ceding her Western lands, which action was followed by the other claimant states. These cessions were all important at that time from a political point of view as necessary for the completion of the Confederation, the settlement of conflicting boundary disputes, and the avoidance of preponderating wealth and power over the other states on the part of the favored states. Later the public domain became a real bond of union in the critical period of the republic. The Federal land system began, however, with the Ordinance of 1785 which was a compromise between the two sectional land systems of the South and of New England. Dr. Treat emphasizes the importance of this Ordinance by giving its text in full and by saying that it "was the foundation of the American land system, and its leading principles have continued in operation to this day."

Land sales, the development and extension of the land system, the abolition of the credit system, Congress and the land debtors, the system of surveys, the confirmation of foreign titles, land grants for military and naval services, education and other special objects, and

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the early land system and the "Westward Movement" are discussed at length in various chapters. A particularly valuable chapter describes the satisfaction of the conditions in the "Deeds of Cession," 1784–1802, including among others the Connecticut Reserve, the Virginia Military Reserve, and the Yazoo land claims.

The book is a thoroughly objective and scholarly study bringing together in a single volume information hitherto unknown or scattered in the pages of various monographs. Tables of statistics as to land sales and payments and various maps of land cessions and divisions illustrate the points made in the text. It is to be hoped that Dr. Treat will continue the narrative in a future volume describing the Preëmption Act, the Homestead Act, and the movement for conservation of today.

GEORGE M. JANES.

Crime and Criminals in 1876–1910. By R. F. Quinton, M. D., Late Governor and Medical Officer of H. M. Prison, Holloway. (London: Longmans, Green and Company, 1910, pp. xvi, 259.) This book is a description of the radical changes which have taken place in the prisons of England, during the period indicated in the title, under the acts of 1865 and 1877 in particular, together with the improvements made possible by subsequent minor acts of Parliament along the same lines. The period marks the passing of the control and administration of the English prisons from the local districts to the Central Government.

The author shows very clearly the good economy from the change in the reduction in the number of prisons from 113 to 57 as well as the reduction in the prison population during the period from 10,000 to 3000. The beneficiary results, which, from a reformatory standpoint attended the gradual change from useless to useful labor is also indicated, as well as the gratifying results which have been obtained by the adoption of the system of Borstal Reformatories.

The book contains a rather severe criticism of the practices in America and the sentimentalism of the American people with regard to their attitude towards criminals. The author says that "in the United States the laws are strict enough, but there seems to be a too chivalrous veneration for the liberty of the individual, and the law because of it is not resolutely administered."

The book is the work of one who should have the very best information, viz., that of one who has worked on the inside. It is con-

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servative from both sides. To the practical prison man it will appeal as being not only just and fair but true as well; while, on the other hand, it ought to make an impression upon any one who may be actively interested in an economical and uplifting administration of prison systems in general.

A. O. MULLEN.

In 1908 the Russell Sage Foundation secured the services of Mr. Frankel to make a study of workingmen's insurance in European countries. Mr. Frankel associated with himself Mr. Miles M. Dawson, the well-known insurance expert, and the result of their labors has now appeared. (*Workingmen's Insurance in Europe.* By Lee K. Frankel and Miles M. Dawson, Charities Publication Committee, New York, 1910, pp. xvii, 477.) The volume gives a clear account of the systems of insurance against accidents, sickness, old age and unemployment now in force in European countries. This work will be useful since it is the only one in English which covers in manageable compass the development of workingmen's insurance in recent years. The twenty-fourth annual report of the Department of Labor covers the same field but it has been written on such a large scale that it is useless to the general reader. The book contains practically no critical comment, and makes no attempt to appraise the social effects of the great development which it records.

Land Problems and National Welfare. By Christopher Turnor. (New York: John Lane Company, 1911, pp. 335), with a preface by Viscount Milner, is an interesting example of the revival of interest in agriculture in England during recent years. The author is a landowner who combines with the practical knowledge of agriculture a sense of the duty his position entails and a desire to better agricultural conditions. The landowner, the farmer, the rural laborer, education and agriculture political economy and the land, small holdings and agriculture, and agricultural organizations are discussed in successive chapters and, while the ideas presented are not particularly original but gathered from a number of books on the subject, their bearings on English problems are well brought out. The relations of politics to the land and of the land to the empire are the subjects of the concluding chapters. Tariff reform, it is said, must accompany education, organization and coöperation in agriculture. The need of a National party in place of the two old parties to carry out

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social and fiscal reforms is urged. Mr. Turnor, however, sees the apparent hopelessness of such a program and concludes with the suggestion that the bringing about of the group system of parties by the organization of the agricultural interests into a separate political unit would be the best possible substitute for present political conditions.

The REVIEW has received a copy of the second edition of W. H. P. Clement's *The Law of the Canadian Constitution* (Arthur Poole & Co., 1904, pp. xxiv, 450). This work is not well known in the United States and merits notice here, although several years have passed since its publication. As stated in the preface, the aim has been to exhibit in as complete a form as the wide scope of the subject will permit, the law of the Canadian constitution with reference both to the position of the Dominions as a colony of Great Britain, and to the subject of self-government under the federal scheme of the British North America Act. After several brief chapters dealing with preconfederation constitutions, a comparison of the Canadian government system with those of Great Britain and the United States, the legislative control of the mother country and the extent of colonial legislative power, the author takes up the British North America Acts of 1867, 1871, and 1886, and the Manitoba Act of 1870, clause by clause giving an interpretation to each in the light of general principles, and practice and the judicial construction which it has received. This annotation and commentary has been done with thoroughness and judgment. Various documents, valuable for reference, are given in the appendix. The work as a whole is a valuable one both to the Canadian lawyer and to the student of public law and it is to be hoped that successive editions will keep the material well up to date.

Air Sovereignty. (The Hague, Martinus Nijhoff, 1910, pp. 86,) is the title of a monograph by Dr. Lycklama à Nijeholt, the substance of which has been brought out in several languages at about the same time. The analogy to the jurisdiction over the seas is not regarded as applicable to the air space. The author is of the opinion that a state has and must have full sovereignty in the air space above its territory. Cases and authorities are cited. Appendices contain a bibliography and references to laws, making the monograph a valuable contribution to the rapidly growing literature upon aerial domain and jurisdiction.

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International Arbitral Law and Procedure. By Jackson H. Ralston. (Boston, Ginn and Co., 1910. Pp. xix, 352.) This volume is a digest of the law and principles of procedure as developed in American arbitrations. The material is based chiefly upon the arbitrations reported in Moore's work and the Venezuelan arbitrations, but others, like the Anglo-Chilian claims, are also taken into account. The book takes up, first, the interpretation of treaties; it then passes on to the constitution of arbitral commissions and all the questions incident to arbitration, such as the citizenship of parties, procedure, evidence, and damages; and it finally takes up such questions as the responsibility of governments for the acts of their agents or subjects, prescription, war, and maritime law.

The book of Mr. Ralston is an indication that new methods are becoming necessary in the treatment of international law. The days of *a priori* construction are over, and account has now to be taken of all those agencies which are developing international law through the solution of questions as they occur. Thus the decisions of ministries of state, the methods of official intercourse and coöperation, and above all the principles worked out by arbitration tribunals, have to be made the basis of statements of international law, arrived at by the inductive method. The author has extracted, arranged, and classified the rich material developed in American arbitrations, which is thus made far more accessible than it has been hitherto. The reader is enabled to get a bird's eye view of arbitral law. The author, true to his purpose, abstains from criticism, but reports decisions in an objective way and adds only such remarks as are necessary to bring out the points at issue and to connect the different principles developed. As the book deals primarily with the procedure of international arbitration and questions incident thereto, it will be an indispensable handbook to those engaged in presenting cases before international tribunals.

PAUL S. REINSCH.

Socialistic Fallacies. By Yves Guyot. English Edition. (New York: The MacMillan Company, 1909, pp. xxiii, 343). "My object," declares the author, "has been to reduce to their true value the socialistic fallacies with which a number of able, but frequently unscrupulous, men amuse the idle and attract the multitude." The work is divided into nine books, further subdivided into sixty-five chapters, yet contains only three hundred and forty-three pages. Marshalling

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the wealth of material that he has at one time or another employed in his platform speeches and articles in *Le Siècle*, M. Guyot attacks his task energetically throughout. Sources of every description have been tapped,—treatises, articles, discussions, debates, comments, etc. The evidence too frequently is *ex parte;* the argument is consistently so. In the main, the style is journalistic, terse and chaotic; its Gallic origin is constantly betrayed. Also, M. Guyot's attitude is kaleidoscopic; now he is the student, now the business man, now the politician.

Books IV and V, on the "Distribution of Capital" and the "Distribution of Industries," rank as the most valuable, the chapters on the distribution of inheritances and landed property in France being illuminating, and in a measure, convincing. So far as France is concerned, M. Guyot appears effectively to minimize the "rich, richer; poor, poorer" theory. Book VIII, on the "Actual Class War," is too unmeasured in its denunciation to be of much value. Strikes and trade-unions are sharply arraigned and the criticism often unwarranted by the facts. American trade-unions, and the spirit of American trade-unionism, are misunderstood, the destruction of property being groundlessly associated in a purpositive connection. The attempt of the Socialists to "proletariarize" society is forcefully ridiculed, but M. Guyot soon after oversteps himself in assaulting Socialists as a class, and in particular. Karl Marx is "nothing but an inventor and manufacturer of myths," and *Das Kapital* "a quantity of rubbish." "Sidney Webb is opposed to thrift and co-operation," while work is considered a vice by all Socialists (paraphrased).

After the first two books, "Utopias and Communistic Experiments" and "Socialistic Theories" (which, by the way, strip the glamour that so often is thrown over early communism), a logical thread throughout the work is difficult to find. Nevertheless, in spite of an unscientific handling of evidence and *ad hominem* appeal, M. Guyot's effort is frequently redeemed by its virility and a certain measure of wholesome skepticism.

T. L. Sidlo.

Reconstruction in Texas. By Charles William Ramsdell. (Columbia University Studies in History, Economics and Public Law. New York: Longmans, Green & Co., 1910. Pp. 324). This monograph by Dr. Ramsdell is another contribution to that very interesting period of historical investigation, the reconstruction era. By

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an examination of the volumes giving an account of this era for several of the States, one is now able to get a fairly accurate view of the entire period. Dr. Ramsdell has used the chronological narrative form almost exclusively. The secession movement in Texas and the part taken by the State during the war are treated very briefly by way of introduction to the period under consideration.

Nearly one hundred pages are given to a discussion of what is known as the President's plan of reconstruction. In this connection, an account is given of the relations between the civil and military authorities, the constitutional convention of 1866, the adoption of constitutional amendments and the election of state officers. Congressional reconstruction, however, undid what had been done in the way of restoring civil government. Conditions in Texas never became so oppressive or so disgraceful as in most of the Southern States. A very full account is given of the constitutional convention of 1868–69, generally known as the "reconstruction convention."

The last chapter is given to a consideration of Radical rule and its final overthrow in 1873. The administration of Governor Davis, a Radical, is, according to the author, almost synonomous with the word reconstruction. He expresses the opinion, however, that Governor Davis has not been fairly judged, for, though surrounded by the most unprincipled adventurers, he "never descended to the vulgar level of greed and dishonesty so common in his satellites."

The author has apparently not shown any personal bias throughout the entire work and he has gone to the sources for his material. His monograph is a valuable addition to the literature on the history of the reconstruction era.

HORACE E. FLACK.

Virginia's Attitude Toward Slavery and Secession. By Beverley B. Munford. (New York: Longmans, Green & Co., 1910. Pp. xiii, 330.) The author of this very interesting book set out to prove the following theses: that there was always much opposition to slavery in Virginia, that the forces opposed to slavery were not able to "overcome the almost insuperable difficulties of any plan of emancipation," that many individuals manumitted large numbers of slaves, that there was considerable interest in the colonization of freed negroes in Liberia or in the Free States, that the dread of negro insurrection and the actions of the Abolitionists embittered many Virginians, and that Virginia did not secede in 1861 because of a wish to preserve slavery,

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or a "wanton desire to destroy the Union." With great wealth of quotation, he calls upon the Virginians and also men from other states to prove his positions. His style is terse and clear, his development of his subject is logical and his arguments have great force. No more effective description of the dire evils of slavery has been given than that which is found in Chapter 19. The "Specimens of deeds and wills emancipating slaves" are of great interest and, as they are drawn from the manuscript county records, they are a distinct contribution to our knowledge. The author's proof that the importance of the breeding of slaves for the interstate traffic has been much exaggerated, is quite convincing. Virginia's part in the forming of the Union and her desire to preserve it are clearly put. Mr. Munford has successfully avoided partisanship and has never misrepresented facts. His perspective is good, save that in his desire to establish his side of the argument, he has so neglected the statements of the pro-slavery advocates that one reading the book without further knowledge of the subject might easily think them less in number and importance than was really the case.

His final conclusion is that the "attempt of the Federal Government to coerce the Cotton States" was the occasion or, as he calls it, "the proximate cause of Virginia's secession" and, in this conclusion, the verdict of history will agree with the author. On the very last page of his text, he writes of the Virginians that they "exhibited the strength of the idealist, combined, on the part of many, with the limitations of the doctrinaire" and, undoubtedly, their possession of these characteristics goes far to explain their actions.

BERNARD C. STEINER.

The Conflict Between Individualism and Collectivism in a Democracy. By Charles W. Eliot. (New York. Charles Scribner's Sons. 1910. Pp. 135.) This volume contains three lectures given by Dr. Eliot on the Barbour-Page Foundation at the University of Virginia, and now for the first time presented to the general public. They deal with the conflict between individualism and collectivism in industries and trades, in education, and in government respectively. The position taken is midway between individualism and socialism. The author holds that the complexity of modern life, and the interdependence of social groups make individualism entirely inadequate and render inevitable the predominance of collectivism. Collective action is carried out by voluntary associations, and by the local, state, and

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national governments. With regard to governmental action, Dr. Eliot apparently takes the position of the "new nationalists." Matters calling for collective action through governmental regulation, such as "big business" and the conservation of natural resources, must, he thinks, be attended to by whatever branch of government has "range and power enough" effectively to supervise them. (p. 109.)

Though admitting the necessity of government regulation, Dr. Eliot would not take the further step towards the socialization of government ownership and operation of industries and public utilities. But the reasons which he assigns for not doing so do not seem to be altogether satisfactory. He maintains, for example, that "it is well to have many different employers competing with each other for good service, rather than a single employer, the government." (p. 110.) But since in a monopoly there is, *ex hypothesi*, only one employer, and since competition for good service between different industries is negligible, this reason would seem to have little weight. A much stronger reason, viz., the difference in the ends sought to be attained by government and by industrial enterprises, and the incompatibility of attempting to attain both ends by the same machinery, Dr. Eliot alludes to only by implication.

The central idea of the lectures, developed with admirable skill and effectiveness, is that, although individualism as such must be abandoned, the collectivism which takes its place is not destructive but constructive, and that collective action, though narrowing the limits of individual action, tends to make safer and more certain the exercise of individual rights within those limits. As thus presented, collective action is not necessarily anti-individualistic, but conservative of the true spirit of individualism.

The book gives evidence of clear vision, a mind thoroughly open to the meaning of facts, in whatever direction they may lead, and a constant effort to bring theory into harmony with fact.

J. M. MATHEWS.

The fact that the West Indies lie so close to the United States, and that our country is so immediately concerned with the conduct of affairs in certain of them, gives peculiar interest to all happenings of moment in those islands. In March, 1909, Sir Robert W. Boyce, Professor of Pathology in the University of Liverpool and Dean of the Liverpool School of Tropical Medicine, was sent by the British Secretary of State for the Colonies to investigate an epidemic of yel-

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low fever then present in the Barbados. Professor Boyce took advantage of this mission to visit other of the British West Indies for the purpose of studying health conditions there as well as in the Barbados. The results of his investigations have been published in a handsome volume entitled *Health Progress and Administration in the West Indies.* (New York: E. P. Dutton & Co. 1910. Pp. xv, 328.) This account, by a competent observer, of his personal observations of health conditions and of the efforts that are being made to combat disease in the different islands, furnishes a welcome addition to our knowledge regarding the progress of preventive medicine in these countries in whose sanitary condition we are vitally interested. With what has been done by our own government to improve health conditions in Cuba and Porto Rico we are already familiar, or we can readily secure the information from official reports. The information given in the present volume is all the more valuable since it relates primarily to islands concerning whose affairs equally full data are not available. A map, and numerous well-chosen illustrations of hospitals, drainage systems, and other sanitary works, and copies of health regulations and ordinances, add materially to the attractiveness and value of the work.

Railroad Administration. By Ray Morris, Managing Editor of the *Railway Age Gazette.* (New York: D. Appleton & Co. 1910. Pp. x, 309.) This work constitutes the initial number in Appleton's Railway Series, edited by Prof. Emory R. Johnson. Its title is misleading. Little or no attempt is paid to the administrative problems and methods involved in operating railways. The bulk of the work is devoted to a description of the two types of railway organization—the divisional as exemplified in the New York Central Railroad, and the departmental as exemplified in the Pennsylvania Railroad. Numerous charts are inserted showing the bureau and service organization, under each of these systems, in individual railways in this country and in Europe. *Railway Organization* would therefore have been a much more accurate title. A carefully written work either on the subject of railway organization or on that of railway administration, or better still on both subjects, critically examining the peculiar problems of business management presented by railways and the various ways in which the different roads of the country have sought to meet such problems, would have been extremely timely in view of the sharp way in which public attention has been directed to this

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subject. It is to be regretted, therefore, that the author has contented himself with an examination of only the most general phases of the question, and has handled these in, for the most part, but a descriptive way.

The Short Ballot Organization has published a Loose Leaf *Digest of Short Ballot Charters*, edited by Professor Charles A. Beard of Columbia University. This includes a series of papers and addresses on commission government for cities, outlines and tabulations of short ballot charters, the full text of a number of the more important laws, reports from cities which have short ballot charters and a bibliography. The purpose of the book is to present the cogent parts relating to the movement for commission government. As first issued, the volume gives a list of 122 short ballot cities in the United States, with outlines of 50 laws and the text of the laws in force in eight cities, including Galveston, Houston, Des Moines, Colorado Springs and Lynn, Mass. From time to time additional pages will be supplied, giving further data in regard to the movement.

About two-fifths of the fourth volume of the *Jahrbuch des Oeffentlichen Rechts* is devoted to four articles on general subjects. Professor V. Ullmann of Munich writes on The Development of the Law of Maritime War by the Declaration of London of 1909; Professor Max Huber of Zurich presents a contribution toward the knowledge of the sociological foundations of international law and the society of states; Dr. Karl Nèmethy von Ujfalu, of the Hungarian Ministry of the Interior, discusses Parliamentary Reform in Hungary; and Professor Richard Thoma of Tübingen discusses The Idea of the Constitutional state and the science of administrative law.

The larger part of the volume is made up of shorter papers on recent legislation on public law. About two thirds of this deals with legislation in Germany, including the Empire, Prussia, Saxony, Wurtemberg, Hesse, Saxe-Weimar and the Hanse cities. The papers on foreign countries include one on the Bosnian constitution, and surveys of legislation on public law in France, Italy, Norway, Russia and Japan,—some papers covering the record for two or three years.

This annual has now established itself as a standard source of information on the recent development of public law especially on the

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continent of Europe. But it gives little attention to events in Great Britain and America; and serves to call attention to the need of a similar work dealing with the English speaking countries.

J. A. F.

The work which was so well performed by Reeves, in his *State Experiments in Australasia and New Zealand* has now been brought up to date for the latter country in *State Socialism in New Zealand*, by J. E. Le Rossignol, Professor in the University of Denver, and William Downie Stewart, a lawyer of Dunedin, New Zealand. (New York, Crowell, n.d. [1910], pp. 311.) The authors have attempted to give an account of only the most characteristic activities of the New Zealand government, like the railways, the state life and fire insurance, the old age pensions, and the legislation on land, taxation, and the labor question. They refer only incidentally to the regulation of industry, the development of the export trade, the inspection of meat, the grading of butter and cheese, and other public services like the parcels post, savings banks, telephones, coal mines, etc.

The presentation of the facts is sober and the criticisms are judicious. The authors' general position is that the labor legislation and the various forms of state trading have not done much good, even if they have not done much harm. They find the real basis of the prosperity of New Zealand to consist in the abundance of free land, supplemented by the land legislation. The authors look forward to a decided strengthening of the propertied interests as over against any real socialistic claims of the future. The great peril to which New Zealand, like Australia, is exposed, is, in their opinion, the danger of Asiatic immigration.

Deutsche Prisengerichtsbarkeit, Ihre Reform durch das Haager Abkommen vom 18 Oktober, 1907. Von Dr. jur Heinrich Pohl, Gerichtsassessor, Privatdozent fur Staats, Verwaltungs und Völkerrecht an der Universität Bonn. Tubingen: (J. C. B. Mohr, 1911, pp. 233.) As the title implies, this monograph surveys the provisions of the Hague Conventions and endeavors to show their bearing upon the German prize jurisdiction. While the Hague Convention, XII, of 1907 for the Establishment of an International Prize Court to which Dr. Pohl devotes particular attention, has not been generally ratified and proclaimed, it will, if made operative, be in reality an international court of appeal. The United States Senate ratified this Conven-

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tion with protocls providing for *de novo* instead of appellate jurisdiction, on February 15, 1911, but it has not yet been proclaimed by the President. Dr. Pohl recognizes that the recent entrance of the German Empire into the list of sea powers makes the problem of German prize law somewhat different from that of Great Britain with its long series of legal precedents. After considering the fundamental principles of prize jurisdiction, the relations of the German prize law of May 3, 1884, and the several Hague Conventions of 1907, Dr. Pohl traces the idea of an international prize jurisdiction from the time of Frederick the Great and the war between France and England, up to the familiar discussions of The Hague in 1907. He explains the provisions of the Prize Court Convention and the bearing of the Declaration of London of 1909 on the questions of international prize jurisdiction, and mentions the possible extension of the jurisdiction of the prize court through the assumption of the functions of a court of judicial arbitration in accordance with the proposal of Secretary Knox's note of October 18, 1909. The German and British propositions at The Hague in 1907 are printed, with the Convention relative to the Establishment of an International Prize Court, in appendices. The value of the work is greatly increased by the very good index.

G. G. WILSON.

The American Year Book: A Record of Events and Progress, 1910. (New York: D. Appleton & Co., 1911, Pp. xx, 868.) The appearance of the first volume of this year book, edited by Dr. North under the direction of a supervisory board representing thirty-two national, learned societies, among them The American Political Science Association, has been awaited with interest by those desiring to keep in touch with affairs in America. The work, as its title imports, is, in the main, confined to a record of American events, but within this field the scope is a broad one. Statistics, history, law, politics, economic and industrial questions, agriculture, mining, manufacture, trade, the natural or exact sciences, and important branches of the humanities in the strictest sense of the word, being treated. Prof. A. B. Hart summarizes the history of the United States for the year 1910. Dr. J. B. Scott, Dr. A. K. Kuhn, Prof. G. H. Blakeslee and Prof. G. G. Wilson review different aspects of our international relations: and Mr. F. M. Burdick and Mr. J. B. Sanborn provide the chapter on Law and Jurisprudence, the sub-titles being Federal and State Constitu-

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tional Law, Legislative Tendencies, Judicial Decisions, Reform in Legal Procedure, Uniform State Legislature, and Legal Education. The subject Popular Government and Current Politics furnishes material for an excellent chapter by Prof. A. N. Holcombe. The Civil Service and Civil Pensions is treated by Hon. C. R. Woodruff, who also takes care of the chapter on Municipal Government. Prof. J. A. Fairlie summarizes, in a series of tables, governmental conditions in the states and counties, and Mr. Frank McIntyre reviews events in the Territories and Dependencies. Some forty pages are given to Foreign Governments and Dependencies. The necessity for the inclusion of this material in an American Year Book is not clearly evident. Space will not permit of a further review of the contents of the other chapters of the book, which deal with matters not so purely political as those which have been mentioned.

By way of general estimate the reviewer would say that a work of this kind has been needed, and that this need has been well met. Indeed, as a first attempt, the work is a surprisingly excellent one, both by reason of the judgment exercised in the selection of the topics and the apportionment of space to them, and by the ability with which these topics have been treated. The successive volumes for future years are scheduled to appear the first of each February following the close of the year covered. It but remains to be added that the paper, print and press-work are good, and that an adequate index is provided.

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RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST.

BY CARL HOOKSTADT.

UNITED STATES.[1]

Affairs in Mexico. Brief in support of Senate Resolution of April 20, 1911, relative to intervention in Mexico. Presented by Mr. Culberson. 7p. 8°. *Congress.* (S. doc. 25.)

Apportionment of Representatives. Report from Committee on the Census [to accompany H. R. 2983]. 1911. 108p. 8°. *House. Committee on the Census.* (H. rpt. 12.)

Armies of France, Germany, Austria, Russia, England, Italy, Mexico, and Japan, Strength and Organization of. 1911. 58p. 8°. *War Dept. Office of the Chief of Staff War College Div., General Staff.* No. 17.

Bankruptcy Law (U. S.) of July 1, 1898, and amendments thereto to June 25, 1910. Uniform system, with marginal notes and index and general orders and forms in bankruptcy, adopted and established by the Supreme Court of the United States, Nov. 28, 1898. 1911. 163p. 8°. *Congress.* (S. doc. 10.)

Banks of Issue in Italy by Tito Canovai, Chief General Secretary of the Bank of Italy and **The Text of the Italian Banking Law.** 1911. 345p. 8°. *National Monetary Commission.* (61st Cong., S. doc. 575.)

Canada Reciprocity. Message from the President of the United States transmitting text of the reciprocal trade agreement negotiated with representatives of the Dominion of Canada. 1911. 91p. 8°. *President.* (H. doc. 2.)

Commerce and Labor (Dept. of), Reports of, 1910. 1911. 692p. 8°. (61st Cong., H. doc. 1008.)

Contains: Draft of proposed new immigration act with explanatory memorandum (pp. 307–344.)

Commercial Relations of the United States with Foreign Countries, 1909. 1911. xxiii, 1034p. 8°. *Dept. of Commerce and Labor. Bureau of Manufactures.* (H. doc. 121.)

Congressional Directory (Official). 62nd Congress, 1st session. 1911. xiv, 474p. 8°. *Congress. Joint Committee on Printing.* (S. doc. 1.)

Constitution, Jefferson's Manual and Rules of the House of Representatives with a Digest of Practice. 62nd Congress, 1st session. By Charles R. Crisp. 1911. viii, 640p. 8°. (H. doc. 15.)

Cost of Living in American Towns. Reprint of a Report issued by the Board of Trade of Great Britain, which see. (S. doc. 22.)

Criminal Code of the United States as amended during the 2nd session, 61st Congress, with an appendix containing a reference to all laws of a general nature

[1] All numbered documents refer to the 62nd Congress unless otherwise specified.

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permanent in character, in force Dec. 1, 1909, having penal provisions not properly separable from the administrative provisions, not contained in the criminal code, but embraced in the general revision of the laws of the United States. 1911. vii, 110p. 4°.

Election of President Pro Tempore of the Senate. Resolution reported from the Committee on Privileges and Elections, Jan. 6, 1876, together with certain debates in the proceedings of the Senate of March 12, 1890. 1911. 29p. 8°. *Senate.* (S. doc. 30.)

International Conference on Bills of Exchange. Report of delegate. Held at The Hague, June 23 to July 25, 1910. 1911. 511p. 8°. *State Dept.* (61st Cong., S. doc. 768.)

International Law and Arbitration. Address by Rt. Hon. Sir Charles Fitzpatrick, Chief Justice of Canada, at the fifth annual banquet of the American Society of International Law at Washington, D. C., April 29, 1911. 10p. 8°. *Senate.* (S. doc. 41.)

Interstate Commerce Commission, 24th annual report. 1911. 358p. 8°. (61st Cong., H. doc. 1168.)

Irrigation Projects, Investigation of. Report of Committee. 1911. 917p. 8°. *Senate. Committee on Irrigation and Reclamation of Arid Lands.* (61st Cong., S. rpt. 1281.)

Legislative Reference Bureaus. Letter from Librarian of Congress transmitting special report relative to. 1911. 36p. 8°. *Senate.* (S. doc. 7.)

Lorimer (William), Election of. Copy of the report by the special investigating committee of the Illinois Senate, Douglas W. Helm, Chairman, in regard to the election of William Lorimer as United States Senator, together with copy of the evidence taken before the committee. 1911. 249p. 8°. *Senate. Committee on Privileges and Elections.* (S. doc. 45.)

National Association of Railway Commissioners. Proceedings of the 22nd annual convention held at Washington, D. C., Nov. 15–17, 1910. 1911. 256p. 8°.

Contains: Roster of the state railroad commissioners, giving official titles and addresses.

Patent and Trade-Mark and Copyright Cases, 1910. Decisions of the Commissioner of Patents and of the United States Courts. 1911. 560p. 8°. *Commissioner of Patents.* (61st Cong., H. doc. 1012.)

Philippine Lands, Administration of. (In two vols.). 1911. lv, 1305, 14p. 8°. *House. Committee on Insular Affairs.* (61st Cong., H. doc. 2289).

Reciprocity Treaties—Favored Nation Clauses. Letter to Hon. Boies Penrose, Chairman of Committee on Finance, from Secretary of State, relative to favored nation clauses in the treaties of the United States, particularly reciprocity. 1911. 19p. 8°. *State Dept. Bureau of Trade Relations.* (S. doc. 29.)

Reciprocity with Canada. Compilation of documents relating to proposed agreement of 1911 and to the treaty of 1854, and its subsequent operation. 1911. x, 387p. 8°. *Senate. Committee on Finance.*

Contents: (1) Message of President Taft in relation to Canadian Reciprocity, Jan. 26, 1911. (2) H. R. 32216, "an act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," introduced in House of Repre-

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sentatives, Jan. 28, 1911. (3) Report of Ways and Means Committee of the House, Feb. 11, 1911. (4) Views of minority of Ways and Means Committee of House, Feb. 15, 1911. (5) Hearings before Ways and Means Committee of House on reciprocity with Canada, Feb. 2–9, 1911. (6) Reciprocity treaty as to fisheries, duties, and navigation British North America, June 5, 1854. (7) 33 Congress, 1st session, Senate report of Committee on Foreign Relations, July 11, 1854. (8) 37 Congress, 2nd session, House report 22. Reciprocity treaty with Great Britain; report of Committee on Commerce, Feb. 5, 1862. (9) 38 Congress, 1st session, H. E. doc. 32. Reciprocity treaty; letter from the Secretary of the Treasury, Feb. 1, 1864. (10) 38 Congress, 1st session, House report 39. Reciprocity treaty; report of Committee on Commerce, April 1, 1864. (11) 39 Congress, 1st session, H. E. doc. 128. Commercial relations with British America. Letter from Secretary of the Treasury, June 14, 1866. (12) 39 Congress, 2nd session, S. E. doc. 30. Message from President, Feb. 19, 1867, transmitting report of Secretary Seward and papers to which it refers.

Reciprocity with Canada, additional reference relating thereto. 1911. 44p. 8°. *Library of Congress.*

Senate Manual containing the standing rules and orders of the United States Senate. 1911. 602p. 8°. *Senate. Committee on Rules.* (61st Cong., S. doc. 846.)

Statutes of the United States passed at the 3rd session of the 61st Congress, 1910–11, and concurrent resolutions of the two houses of Congress, recent treaties, and executive proclamations. (In two parts.)

Part I. Public Acts and Resolutions.

Treaty Between United States and Russia [1832], Termination of. Hearings on H. J. Res. 284. 1911. 64p. 8°. *House. Committee on Foreign Affairs.*

Wages and Prices of Commodities. (in four vols.). 1911. *Senate. Select Committee on Wages and Commodities.* (61st Cong., S. doc. 847.)

Vol. 1 contains report of committee and views of minority.

Women and Child Wage-Earners in the United States, Report on Condition of. (Report to consist of 19 vols.) 1911. *Bureau of Labor.* (61st Cong., S. doc. 645.)

v. 4. The silk industry.

v. 5. Wage-earning women in stores and factories.

v. 6. The beginnings of child labor legislation in certain states; a comparative study. Contents: (1) Employment of children in the colonies. (2) Public opinion and child labor in the 19th century. (3) Children in the cotton industry; a historical sketch. (4) Child labor legislation prior to 1860. (5) Child labor legislation in four Southern States.

v. 7. Conditions under which children leave school to go to work.

v. 8. Juvenile delinquency and its relation to employment.

World Trade Directory for the promotion of American export trade. 1911. 1138p. 4°. *Dept. of Commerce and Labor. Bureau of Manufactures.* Price, $5.00.

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GREAT BRITAIN.[1]

Affairs of Persia, Further correspondence respecting the. Persia No. 1 (1911) [in continuation of "Persia, No. 1 (1910)": cd. 5120]. 1911. xii, 119p. fol. *Foreign Office.* (cd. 5656.) Price, 1*s.* 1*d.*

Canada. Report on the trade of the Dominion of Canada from 1906–10, by H. M. Trade Commissioner. 1911. 88p. map, fol. *Board of Trade.* (cd. 5591.) Price, 1s. 3*d.*

Canals and Inland Navigations of Ireland. Final report. Vol. 11 of Royal Commission on Canals and Waterways. 1911. xii, 91p. fol. (cd. 5626). Price, 10*d.*

Conciliation (Trade Disputes) Act, Eighth report by the Board of Trade of proceedings under, 1910. 1911. 104p. 8°. *Board of Trade. Labour Dept.* (H. of C. paper, No. 96, 1911.) Price, 5 1-2 *d.*

Controverted Elections. Return to an order of the House of Commons. Contains judgment of court and minutes of evidence taken at trial. 1911. *House of Commons.* (H. of C. paper, No. 75 and 75–I.) Price, 3*d.*

Cost of Living in American Towns. Report of an inquiry by the Board of Trade into working class rents, housing and retail prices, together with the rates of wages in certain occupations in the principal industrial towns of the United States, with an introductory memorandum and a comparison of conditions in the United States and the United Kingdom. 1911. xcii, 533p. fol. *Board of Trade. Labour Dept.* (cd. 5609.) Price, 5*s.* 1*d.*

The present enquiry is the fifth undertaken by the Board of Trade into working class conditions in the more important industrial towns of various countries. The following reports have already been published, viz., for the United Kingdom (cd. 3864) in 1908; for Germany (cd. 4032) in the same year; for France (cd. 4512) in 1909; and for Belgium (cd. 5065) in 1910. Twenty-eight towns were covered by the present enquiry.

Conventions for the Unification of Certain Rules of Law respecting (1) collisions, (2) assistance and salvage at sea, signed at Brussels, Sept. 23, 1910, and documents relating thereto. Misc. No. 5 (1911). 1911. 33p. fol. *Foreign Office.* (cd. 5558.) Price, 3 1-2*d.*

Customs Tariff of the Netherlands, Translation of the Proposed New General, with comparison of proposed new rates with rates at present in force. 1911. 46p. fol. *Board of Trade. Commercial Dept.* (cd. 5630.) Price 5*d.*

Dominions Dept. of the Colonial Office for 1910–11, Report on. Dominions No. 6. 1911. 185p. fol. *Colonial Office.* (cd. 5582.) Price 1*s.* 6*d.*

Appendices: No. 2, some acts of special interest passed in the dominions during the year 1910–11. No. 4, list of the more important blue books relating to the dominions published during the year 1910–11.

Egypt and the Soudan, Reports by H. M. Agent and Consul-General on the finances, administration, and condition of. Egypt No. 1 (1911). 1911. iv, 96p. fol. *Foreign Office.* (cd. 5633.) Price, 10*d.*

Friendly Societies, Workmen's Compensation Schemes, Industrial and Provi-

[1] The British Parliamentary papers may be purchased from Wyman and Sons, Ltd., Fetter Lane, E. C., London. Cd. refers to papers presented to Parliament by command.

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dent Societies, and Trade Unions. Reports of the Chief Registrar of Friendly Societies for 1909. Part B: Industrial and Provident Societies. 1911. iv, 277p. fol. *Chief Registrar of Friendly Societies.* (H. of C. paper, No. 171–II.)

Immigration into the Union of South Africa, Correspondence respecting a bill to regulate, with special reference to Asiatics. [In continuation of cd. 5363, Sept., 1910.] 1911. 33p. fol. *Colonial Office.* (cd. 5579.)

Industrial Associations in the United Kingdom, Directory of. 1911. viii, 209p. 8°. *Board of Trade. Labour Dept.* (cd. 5619.) Price, 11*d.*

The present directory is the 7th issue of this publication, which appeared first in 1899. The associations included are very diverse in character and embrace employers and workpeople's organizations, conciliation and arbitration boards, coöperation societies, and the principal friendly societies.

International Agricultural Institute. Copy of further papers relating to proceedings of general assembly, 1909. [In continuation of cd. 4727.] 1910. 111p. fol. *Board of Agriculture and Fisheries.* (cd. 5339.) Price, 11 1-2*d.*

International Penitentiary Congress (Eighth) held at Washington, D. C., Oct. 1910, Report of the Secretary of State for the Home Dept. on the proceedings of. 1911. vi, 78p. 8°. *Home Dept.* (cd. 5593.) Price, 4 1-2*d.*

Appendices: (1) indeterminate sentences; (2) the Borstal system; (3) vagrancy; (4) habitual drunkards; (6) the reformatory and industrial school system in Great Britain.

Initiative in Switzerland, Report to H. M. Minister at Berne respecting the institution known as the. Misc. No. 6 (1911). [In continuation of misc. No. 3 (1911) cd. 5522.] 1911 4p. fol. *Foreign Office.* (cd. 5634.) Price, 1*d.*

Insurance Legislation in Germany. Copy of memorandum containing the opinions of various authorities in Germany. 1911. 13p. fol. *House of Commons.* (cd. 5679.) Price, 2*d.*

Japan. Treaty of Commerce and navigation between Great Britain and Japan, signed at London, April 3, 1911, together with a prefatory note and appendices. 1911. 13p. fol. *Foreign Office.* (cd. 5556.) Price 2 1-2*d.*

King's Religion, Statutory enactments affecting. 1910. 4p. fol. (cd. 5271.) Price, 1*d.*

Labour Statistics of the United Kingdom, 14th abstract of. 1908–09. 1911. xviii, 312p. 8°. *Board of Trade. Labour Dept.* (cd. 5458.) Price, 1*s.* 4*d.*

Local Government Board for Scotland, 16th annual report, 1910. 1911. cvi, 284p. 8°. (cd. 5620.) Price, 1*s.* 7*d.*

Contents: (1) Poor law. (2) Audit. (3) Local government. (4) Unemployed workmen. (5) Old age pensions. (6) Public health. (7) Vaccination. (8) Departmental. (9) Miscellaneous.

National Insurance Bill (part 2—unemployment). Return on the scheme for insurance against unemployment embodied in part two of the National Insurance Bill. 1911. 16p. fol. (H. of C. paper, No. 162.) Price, 2 1-2*d.*

Nigeria. Delimitation of boundary between Yola and the Cross River, 1907–09. Protocol and supplementary reports. 1910. 40p. maps. fol. *Foreign Office.* (cd. 5368.) Price, 1*s.* 6*d.*

Poor Laws and Relief of Distress, Royal commission on. Appendix vol. 11. Miscellaneous. 1911. 212p. fol. (cd. 5072.)

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Contains: Replies of employers and economists to certain economic questions; resolutions and recommendations from various associations.

Referendum, Reports from H. M. representatives abroad respecting the institution known as the. Misc. No. 3. (1911). 1911. 17p. fol. *Foreign Office.* (cd. 5522.) Price, 2 1-2*d.*

Contains: Reports on the operation of the Referendum in Bulgaria, Cuba, United States, San Francisco, and Switzerland.

Seditious Speeches and Writings which have been instituted in India since Jan. 1, 1909, with further information regarding such prosecutions, etc., in 1907 and 1908. [In continuation of Parliamentary paper, No. 50, 1909.] 1911. 16p. fol. *India Office.* (H. of C. paper, No. 50.)

Shops Bill. Deputations received at the Home Office since the introduction of the 1910 bill. 1911. 288p. fol. *Home Office.* (cd. 5632.) Price, 2*s.* 3*d.*

Contains: Text of July, 1910, bill, deputations on said bill, and text of new bill introduced March 6, 1911, modified as a result of these hearings. Bill relates to general regulation of shops, hours of labor, Sunday closing, half holidays, etc.

Straits Settlements. Annual report of the adviser to the Kedah Government for 1909–10, with the annual report of adviser to the Perlis Government for same period. 1910. 78p. fol. (cd. 5389.) Price, 9*d.*

White Slave Traffic, Correspondence respecting the 4th International Congress, held at Madrid, Oct., 1910. 1911. 10p. fol. *Home Office.* (cd. 5651.) Price, 1 1-2*d.*

FRANCE.

Différends relatifs aux conditions du travail et arbitrage obligatoire, rapport fait au nom de la commission du travail sur les propositions de loi relatives aux. 1910. 173p. 4°. *Chambre des Députés. Session de 1910.* No. 308.

Le Droit de Vote Aux Femmes dans les élections aux conseils municipaux, aux conseils d'arrondissement et aux conseils généraux. Rapport fait au nom de la commission du suffrage universel chargée d'examiner la proposition de loi tendant à accorder. 1910. 275p. 4°. *Chambre des Députés. Session de 1910.* No. 31.

Nomination de la Chambre des Députés, Proposition de loi tendant à modifier la loi électorale du 13 février, 1889, concernant la. 1910. 339p. 4°. *Chambre des Députés. Session de 1910.* No. 34.

Réforme Eléctorale par le système du vote proportionnel et majoritaire, Proposition de loi tendant à opérer la. 1911. 40p. 4°. *Chambre des Députés. Session de 1911.* No. 945.

Représentation Proportionnelle, Rapport fait au nom de la Commission du suffrage universel chargée d'examiner le projet de loi et diverses propositions de loi portant modification aux lois organiques sur l'élection des députés et tendant à établir le scrutin de liste avec. 1911. 272p. 4°. *Chambre des Députés. Session de 1911.* No. 826.

Retraites Ouvrières et Paysannes, Rapport fait au nom de la Commission d'assurance et de prévoyance sociales chargée d'examiner la proposition de loi sur les.

Séparation des Écoles et de l'État, Proposition de loi sur la. 1910. 141p. 4°. *Chambre des Députés. Session de 1910.* No. 3083.

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Vote Personnel, Proposition de résolution tendant à modifier le règlement de la Chambre en vue d'assurer effectivement le. 1910. 133p. 4°. *Chambre des Députés. Session de 1910.* No. 308.

ARGENTINE.

Catálogo de la Biblioteca, Mapoteca y Archivo. Apéndice. Servicios prestados en la carrera diplomática y administrativa 1810–1910. Buenos Aires. 1910 1910. xvii, 1053p. 4°. *Ministerio de relaciones exteriores y culto.*

Catálogo de Documentos del Archivo de Indias en Sevilla. Referentes á la historia de la República Argentina, 1778–1820. 3° tomo. Buenos Aires. 1911. 329p. 4°. *Ministerio de relaciones exteriores y culto.*

La Frontera Argentino Brasilena. Estudios y demarcación general, 1887–1904. División de límites internacionales. (2 vols.)

BRITISH COLUMBIA.

Timber and Forestry, Final report of royal commission on inquiry on, 1909–10. 116p., front., map, 4°.

CANADA.

Papers in Regard to Differences between Canada and the United States referred to the Hague tribunal; also amended fishing regulations. 1911. 65p. 8°. *Dept. of the Secretary of State.* (Sessional paper, 97a.)

Tariff Relations between the United States and the Dominion of Canada. Correspondence and statements. 1911. 70p. 8°. *Dept. of Finance.*

GUATEMALA.

El Arreglo de la Deuda Externa de Costa Rica. Documentos y opiniones relativos à tan importante asunto. Guatemala. 1911. 87p. 8°. *Oficina internacional centro-americana.*

ITALY.

Le Assemblee del Risorgimento. Atti raccolti e pubblicati per deliberazione della Camera dei deputati. (15 vols.)

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